



A Human Rights Approach to Development


14439

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A human rights approach to development *Resource Book*

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Cartoons
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BOOKS *for* CHANGE
Dedicated to Development
International Publishing House

A human rights approach to development:
Resource book

Published by

BOOKS *for* CHANGE

(A Unit of ActionAid Karnataka Projects)

139, Richmond Road

Bangalore - 560 025. India

Ph: +91-80-25580346, 25321747

Mob: 09448371732

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www.booksforchange.info

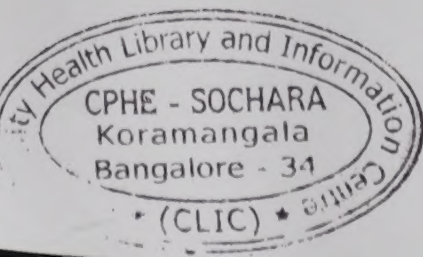
Edition: First 2004

Second Reprint 2012

Price: ₹220.00

ISBN: 978-81-8291-121-5

B/C Production Team: *Shoba Ramachandran, Rajeevan, Gokul and Shailaja*



RHR-100
14439 p04

Preface ►►►

ActionAid and Chulalongkorn University, Bangkok devised and conducted two Leadership Development Programmes (LDP) in 2001 and 2002 for ActionAid staff to deepen understanding on rights based approach, globalisation and governance issues.

The overall aim of the LDP was to increase the knowledge capacity of ActionAid staff in leadership roles in Asia. The following are the principal, specific objectives of both programmes:

- equip staff with the latest, cutting-edge thinking and practices relating to key concerns and areas of AA's work.
- further develop participants' national, regional and international perspective.
- enable participants to discuss and share their practical experiences for mutual learning.
- develop a shared and common understanding and political position on a range of issues related to poverty, marginalisation, injustice and inequity, their causes and effects.
- develop a sense of solidarity and relationship of fraternity among participants, both as citizens and as people working with a common ActionAid mission across Asia.

The LDP was also for ActionAid and its staff to build new relationships with a range of organisations and people outside

ActionAid. The participants represented a cross-section of functional staff from ActionAid Country Programmes and Development Areas in Asia together with guest participants from Africa Country Programmes and ActionAid Alliance.

LDP included four modules - Poverty and human rights; globalisation; governance and organisational development – each lasting for a week. LDP included a combination of lecture, seminars, panel discussion, group work and field visit. The weekly rotational group work outside the session was an essential and important part of the methodology. Though participants received a range of reading material representing varying perspectives on the issues covered, they were also suggested selective reading during and before the programme period. This helped the participants to link essential reading with listening and discussing, while identifying documents for follow-up reading.

LDP was jointly developed and delivered by the Chulalongkorn University's Centre for Social Development Studies (CSDS) and the Institute of Asian Studies (IAS) with ActionAid Asia. Dr Sriprapha Petcharamesree (Mahidol University, Bangkok), Nicola Bullard (Focus on Global South, Bangkok), Harsh Mander (ActionAid India) and Ramesh Singh (ActionAid Asia) and Dr. Vijay Padki (P&P Group, India) and Dr Lichia Saner-Yiu (Centre for Socio-Economic Development, Geneva) were the lead-facilitators for different modules of programme. Professor Surichai Wun'Geao, Chulalongkorn University, Bangkok, Ramesh Singh, ActionAid International, London, and Professor S Parasuraman, ActionAid Asia Regional Office, Bangkok were the LDP directors; and Bencharat Chua, Chulalongkorn University was the Programme Organiser. The overall management of LDP was undertaken by CSDS/IAS of the Chulalongkorn University. LDP as a staff development initiative was fully funded by ActionAid.

The programme was resourced by up to 25 different resource people with experience and expertise – the relevant subjects and issues. The uniqueness of this programme was in the way it was able to mix the range of academia, development practitioners, civil society groups and activists from different parts of the globe in directly contributing to the programme.

The lead faculty for human rights was *Dr Sriprapha Petcharamesree*, Office of the Human Rights Studies & Social Development, Mahidol University, Bangkok. Other resource persons for this module comprised of *Prof. Saneh Chamarik*, National Human Rights Commission, Thailand, *Dr Preecha Piempongsarn*, Thammasart University, Bangkok, *Dr Victor Karunan*, UNICEF, East Asia & Pacific Region Office, *Edwin*, Bangalore, *Parichart Siwaraksa*, United Nations Development Programme in Thailand, *Somsook Boonyabancha*, Community Organisational Development Institute, *R Krishna*, Madras, India, *Prof. Morton E Winston*, Professor of Philosophy, Department of Philosophy & Religion, The College of New Jersey, USA, *Jerald Joseph*, Kuala Lumpur, W Malaysia, *Umi Daniel*, ActionAid India, *Prof. G Alfredsson*, Sweden and *Naruemon Tapchumpol*.

We thank the Samut Prakarn Waste Water treatment project, Klong Dan affected Community, the Homeless people, Migrant workers, People with HIV/AIDS, Urban poor, Street Children, Sex workers and the Bangkok Municipality Authority for sharing their life and homes with us during the field trips. The visit to the Pak Mun dam site was led by Bundhorn Oondum and Vanida Tantividhayapitak, and Sirindhorn Dam by *Ubon Ratchathani*. We thank Electricity Generating Authority of Thailand for taking the participants around the project, and highlighting development effectiveness of the project.

The authors of the resource book are Dr Sriprapha Petcharamesree, Anita Cheria, and Edwin. The cartoons were produced by K P Sasi as part of a monthly advocacy campaign by INSAF and Vikas Adhyayan Kendra. We would also like to acknowledge the assistance of L M Rodricks and Ajit Muriken of Vikas Adhyayan Kendra, Dr Betty K Koed, Assistant Historian, United States Senate for the information on the Haudenosaunee, and Jayshree P Manghubhai for the SEC tables.

This resource book series was edited by Anita Cheria and Edwin. The Books *for* Change production team Shoba Ramachandran, Rajiv, Gokul and Shailaja did excellent work on these publications.

John Samuel

For the ActionAid Asia Team

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Introduction

All human beings have the right to live with dignity at all times, regardless of their legal, social or political status. Human rights are not gifts to be bestowed at the whims and fancies of anyone, nor a privilege, an act of grace or charity. Equity and justice are at the heart of all human rights. Living with dignity and without fear are basic human needs. It includes adequate decent food, water and health, freedom from slavery, fair treatment under the law, a shelter, etc. These basic human needs and values are at the foundation of universal ideas of human rights.

All human institutions have been built for the convenience of the powerful. The human rights attempt is to institutionalise the protection of the weakest as the first and primary objective of formal and non-formal human institutions. From a basic human rights perspective, all people are entitled not to starve, not to suffer from preventable disease, to have opportunity to better their economic condition, to have access to knowledge and information, and to decide on anything that effects their life.

A rights-based approach (RBA) to development thus means that control over their destiny must be returned to the people themselves. It creates a demand system which is firmly rooted in the universal human rights system to enable all, specially the most vulnerable, to access all resources available without discrimination.

Development and human rights are interdependent. But for long there has been a gap between the two. In many cases, development is pursued at the expense of human rights. For the poor, 'development' has often meant 'displacement.' Development NGOs too often emphasise providing basic needs using the basic needs approach or the welfare approach.

Policies and programmes which rest primarily on a perception of need and powerlessness, subtly reinforce the powerlessness of the recipients who are seen as being given justice rather than as receiving their rights. The recognition of entitlement is in itself an act of empowerment. Recognising the fact that each and everyone is entitled to rights constitutes the crucial step towards self-development.¹

The ability of the poor and marginalised to break the veils of oppressive fear and injustice is the key to any process of socio-political and economic empowerment. This process of empowerment requires a rights-based perspective and the facilitating role of organisations and institutions to create an enabling environment for people to realise their own potential to change their lives. Change in the lives of the marginalised people happens when they are able to assert their rights and make creative interventions against the unjust and unequal power relationships in society.²

References are always made to the importance of human rights but there has been little conceptual work devoted to the relationship between human rights and development programmes and projects, and translating this into actual work in the field. *A Human Rights Approach to Development* provides development workers broader but precise concepts and guidelines to address and integrate human rights in their work. With this source book, development workers can mainstream human rights as an integral part of their development activities and processes and not see them as distinct issues.

The second chapter begins with a brief look at the development model, its limitations and why there is a need for a human rights approach to development, i.e., the 'rapprochement' of development policy and human rights. This first chapter outlines a conceptual framework focusing on human rights, its development, legal basis and the basic foundations of a human rights approach to development.

The present development process excludes a majority of people as a structural requirement. Chapter III reviews the causal links between development, poverty and exclusion. It shows how development policies exclude several groups from benefit and how development has marginalised and disempowered them.

Chapter IV addresses how to shift from the exclusion to inclusion by looking closely at the empowerment process. It deals with the issue of what a human rights approach to development really means and how to integrate human rights in development activities. Some programmes, strategies, practical guidelines and practical implications are explored in Chapter V before summing up in Chapter VI. The annex has links and further information, culled from various sources. It has a comprehensive listing of major human rights instruments, online manuals, resources, and global, regional and national human rights institutions.

This resource book is not a complete set of guidelines or directions that can be applied in any situation. Application may vary from one society or community to another. Guidelines provide a possible roadmap. But the map should not be mistaken for the territory. What must be kept in mind is that people are central to any development process. Their rights and dignity should be the guiding principles of progress, change and development.

BEFORE THE DAM



AFTER THE DAM



A human rights approach to development

What is a human rights based approach to development? Why should there be a human rights based approach to development? There is no clear consensus. By defining what is a right, this chapter looks at :

- The development model and its limitations.
- A short history of the development of human rights
- Key concepts such as non-discrimination, core content, and SEC rights.
- Legal standards and state obligations.

There is a short overview of the international human rights instruments, and important milestones on this journey. This is then applied to development to elaborate the human rights perspective on development.

- What is the right to development?
- What is the right to 'participation'?
- Why is 'good governance' important, and what are its components?
- How is a rights-based 'good governance' different from a techno-managerial good governance?
- What is the value added by a human rights approach to development?

The development model and its limitations

The salient feature of current development policies is the economic growth model leading to healthy balance sheets and unhealthy populations. It is dominant in development cooperation programmes of funding agencies, international financial institutions (IFIs) in particular. An exclusively economic model has limited the social, political, civil and cultural dimensions of development. Attempts to integrate other aspects in the development policies, programme or projects, which are usually purely economic, result in the lack of focus and direction.

Even at the start of the millennium, development cooperation and human rights are dealt with as two distinct issues. Many development agencies tend to use human rights as a 'conditionality' to provide development assistance or to support separate 'human rights projects' such as gender equality. Some agencies tend to confuse a rights-based approach to development with social justice, welfare or basic human needs approach.

A social justice approach implies a form of social welfare. The associate policies focus mainly on particular areas of need and disadvantage. The mechanism employed is the redistribution of resources to meet needs and removing disadvantage by providing fair access to services. With this strategy, development agencies and the government formulate policies and programmes by targeting areas of disadvantage and devising beneficial and remedial programmes. By trying to identify the gaps and redistributing resources to fill them gap, the approach is based essentially on a welfare model.

Policies and programmes which rest primarily on a perception of need and powerlessness subtly reinforce the powerlessness of the recipients who are seen as being 'given' justice. Social justice

implemented in this approach resembles the basic needs approach to development cooperation. Both welfare and basic needs models operate in an essentially comparative way. *The less fortunate are compared with the more fortunate. Measures are taken to achieve comparatively fairer outcomes. This promotes the view that there are no absolute entitlements, merely comparative entitlements.*³ In this sense, entitlement of rights is not recognised as such, and without it, the most marginalised and powerless person or group shall never be empowered to make a claim against the state. This kind of development policies or programmes can only create dependency.

Another problem of the existing approach to development is the lack of participation in the decision-making process. In most cases, if not all, those concerned do not make the decisions. They do not even have the choice not to make a decision. *It may well be that the people concerned decide that they only want to be involved in certain decisions or that they would prefer to have their views represented by chosen members of their community. They may well choose to say to a project team: yes, you are the technicians, we trust you to decide the type, make and capacity of the water/sanitation/transport system.*⁴

The limitations of development projects also come from a heavy emphasis placed on the use and monitoring of funds, as well as the manner in which projects are evaluated. Most often, the evaluation is done on the project design document which specifies the number of houses latrines etc., to be erected, or the achievement at suggested income levels. These are measurable and tangible. The problem here lies not in the fact that many projects focusing on rights may have less tangible outcomes and may take a longer time. The problem is that the instruments and indicators for such evaluation are still being developed. Community building has vastly different meanings depending on the perspective and approach!

The present development paradigm links aid policies and programmes to poverty eradication, improvement of living standards and welfare. It is common to find development NGOs refer to social development. They assume that while there is a need to *provide* communities with the ability to pull themselves out of the poverty trap through the generation of economic activity, there is a responsibility to *provide* basic health, education and security. The most problematic term here is '*provide*' which is synonymous with *give*. It does not embrace a commitment to participation either of aid agencies or recipients. When practised, participation is seen as a tool for delivering project aid than as a right. To overcome its limits, development NGOs have to shift their development paradigm.

Moreover, while a charity based service delivery approach could work in some cases, it does not work on a sustained basis for the poorest of the poor or for those whose rights are deliberately denied. These are the 'beggars,' the pavement dwellers, the 'squatters,' the 'encroachers,' slum-dwellers, gypsies, the 'parachuters' of Vietnam, the non-citizens of Nepal and all those in the informal economy whose legal status and ownership are not recognised because they do not have the all-important piece of government paper testifying to this. The fact to remember is that most of the global transactions are not in the written sphere. The oral tradition far outdates the written and is equally legitimate. Most marriages in the world are not recorded. That does not make them illegitimate. Similarly, most land ownership and rights of the poor are not recorded. Their claim and control over the resources and to a life with dignity is as legitimate as these unrecorded marriages.

In such cases, 'services' simply cannot be 'delivered.' Even education for children cannot be delivered since they are subject to eviction and lead highly body-labour dependent lives. A rights-based approach that insures security of housing and livelihood becomes the only option when working with the poorest of the poor.

A charity-based approach creates dependency, and creates an attitude of externalising problem solving. Those who are at the receiving end of the charity or welfare – the beneficiaries – become victims twice over, since they are not enabled to become independent. The rights-based approach on the other hand is to create powerful, self-reliant individuals who can help others.

Human rights: conceptual framework and its normative development

Concepts and principles

What is a right?

A right is a 'justified claim or entitlement'. It is a justified claim on someone, or on some institution, for something which one is owed. The Oxford English Dictionary (OED) suggests a three-fold definition of a right:

- That which is morally or socially correct or just; fair treatment.
- A justification or fair claim.
- A thing one may legally or morally claim; the state of being entitled to a privilege or immunity or authority to act.

The OED definition compares well with what is generally understood by human rights scholars as an acceptable definition of rights. Morton E Winston⁵ defines rights as 'An agent (A) has a right (R) to a particular good (G) if and only if the possession of the right (R) by agent (A) provides the basis for a justified moral or legal claim that other members of society have duties (D) to protect agent A's enjoyment of G.' Winston further explains that the particular goods G referred to can range over many different sorts of things, e.g., interests, liberties and powers, or access to the necessary means of satisfying one's interests or exercising one's liberties or powers.

The claims derived from rights can be either moral or legal or both, but in either case, they are claims that call forth duties from other members of society directed towards the rights-holder. The corresponding duties of society can be ascribed to various different agents, e.g., governments, individuals, or in some cases, non-governmental organisations such as private agencies or corporations, and may include duties to prevent deprivation of G as well as duties to provide access to G to the rights holders.

Rights provide the basis for 'justified' claims of the actual enjoyment of certain liberties, goods, powers or immunities by persons or peoples to be protected by society against standard threats. For human rights purposes, it can be said that a right is:

- A *right*, if and only if society has a duty to protect its enjoyment and redress its violation;
- A *human right*, if and only if being a human being is sufficient reason or condition for possessing that right.

*The human person possesses rights because of the very fact that it is a person, a whole, master of itself and of its acts, and which consequently is not merely a means to an end, but an end, an end which must be treated as such. The dignity of the human person? The expression means nothing if it does not signify that by virtue of natural law, the human person has the right to be respected, is the subject of rights and possesses rights. There are things which are owed to man because of the very fact that he is man.*⁶

These words invoke a crucial concept of human rights as natural law. It reflects a fundamental principle which emphasises the worth of the individual human being and recognises their rights simply because of their being human.

Guiding principles

Universal, indivisible and inter-dependent

That all human rights are universal, indivisible and inter-dependent is stated clearly right from the UN charter to the UDHR and affirmed in subsequent instruments. It was reaffirmed in Article 5 of the 1993 Vienna Declaration and Programme of Action that

all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is a duty of states, regardless of their political, economic, and cultural systems, to promote and protect all human rights and fundamental freedoms.

There is a rather unfortunate position and widely held perception that some rights are more important than others – a hierarchy of rights – and that some need to be addressed, while others will simply appear. Over fifty years ago, this position was firmly rejected by human rights defenders. This division is the result of the cold war ideological positions, with countries of different political positions preferring to work on and emphasise different rights – the Soviet Bloc, those with socialist leanings, and those with substantial populations at or below poverty’ emphasising the economic and social rights (since they had to feed their populations first) with the Western democracies emphasising the civil and political rights. Unfortunately this was more rhetoric and bore only passing relationship to field reality.

The dignity of an individual cannot be divided into two spheres: civil and political and economic, social and cultural. The individual must be able to enjoy freedom from want as well as

freedom from fear. Respect for the dignity of an individual cannot be insured without that person enjoying all her rights. Ultimately, it is a question of putting the human being in the centre, not as an atomistic individual, but as part of a community and an ecological system.

It is recognised that historically, economic, social and cultural rights have not been well articulated. Human rights activists as well as the Committee on Economic, Social and Cultural Rights have arrived at a more complete elaboration of the International Covenant on Economic Social and Cultural Rights (ICESCR) standard a 'a minimum threshold approach' whereby certain minimum standards should be achieved by all states. These are clarified and elaborated in the 'general comments' of the Committee on Economic, Social and Cultural Rights.

Cultural rights were not part of this tug-of-war. Consequently, they were ignored. Considered part of the second and third generation rights, they were clubbed with economic and social rights in ICESCR and remained hidden. Though there are a body of instruments to deal with cultural rights, they remain poorly developed in framework and theory and unsatisfactory in implementation. Culture remains outside the attention of most human rights work.

One of the major reasons culture remains hidden is that there is no controversy to bring it to the forefront. This lack of controversy is more due to the lack of a standard-bearer or 'lead country' to embed culture within the human rights framework rather than the presence of consensus. Lack of tools of measurement is another reason. Culture does not lend itself to quantitative cost-benefit analysis, the mainstay of conventional decision-making. Cultural values and materials of cultural value are incompatible with a strictly monetary economy or valuation. How much would

the loss of a language mean in monetary terms? What can the compensation be? How much for a graveyard?

Apart from these two recognised guiding principles – indivisibility and universality – all human rights are grounded on the principle that human rights:

- Belong to each individual on the basis of equality and non-discrimination.
- Denote obligations from the states and governments. While individuals are the holders of human rights, governments have related obligations to respect, promote, protect and fulfil human rights.
- Are legally enforceable. The process of claiming a right is closely linked with the justiciability, something which is capable of being decided by legal principles or by a court of justice.
- Can and should be claimed. Rights can be claimed through some sort of judicial or quasi-judicial process, or by other means.

Inherent, inalienable and universal

‘Human rights’ cover the series of rights and freedoms asserted by many to be universally accepted as essential prerequisites for people’s enjoyment of a life based on the centrality of human dignity. Human rights are regarded as being inherent, inalienable and universal.

- *Inherent* because they are the birthright of all human beings. People enjoy these rights simply by reason of their humanity and, as such, they do not have to be granted or bestowed by a sovereign for them to be enjoyed.
- *Inalienable* in the sense that people cannot agree to give them up or have them taken away from them.
- *Universal* for human rights do not just apply to some groups of people but to all persons, regardless of their nationality, status, sex, race, etc.

The concepts are recognised and confirmed in the UDHR which states that:

the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.

It proclaims that:

The highest aspiration of the common people is that human beings shall enjoy freedom of speech and belief and freedom from fear and from want.

It makes clear in Article 2 that:

everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs...

This reflects two principles, indivisibility and universality, of human rights. It was echoed worldwide when the United Nations commemorated the 50th anniversary of the UDHR with the motto 'all human rights for all'.

A short history

Discussions on the historical origins of human rights focus mainly on western experience. This is because it has been codified, written down and widely disseminated from a western perspective which has a written tradition. 'Western' tradition has absorbed much from the oral traditions of the rest of the world.⁷ It does not imply that the concept of human rights is not relevant to non-western views of human dignity and freedom. All cultures have norms and traditions of acceptable behaviour. In all religions, be they Hinduism, Buddhism, Islam or Confucianism,

there is recognition of some principles and some common standards of behaviour in human relations. The position that human rights are 'Western' is used by governments to hide their gross abuse of the human rights of their citizens.

Human rights constitute the result of people's aspirations and struggles. These aspirations, inspired to a large extent by the experiences of individuals and struggles against arbitrary rule, sought to offer citizens 'fundamental freedoms' that are basic guarantees against the arbitrary exercise of power by their state. The modern interest in human rights throughout the world and its concomitant description as a universal concept has developed at a time when states and rulers in all regions have demonstrated their increased power to control or otherwise unilaterally affect the lives of individuals. The proliferation of the modern nation – state has led to the parallel growth of human rights. The universality of human rights is a clear reaction to the universality of the modern nation – state as the dominant form of political and social organisation. The development of human rights reflect systematic attempts to enshrine human rights as a fundamental constituent and guiding principles for newly emerged nations.

Three stages of development

The development of human rights can be divided into three stages. The first stage is in philosophical works. The theory of natural law was founded by John Locke. He developed the idea that man by virtue of being a man enjoyed certain natural rights which no one, including the state, could take away from him, which he himself could not alienate. In the state of nature, men are free and equal. But as Rousseau said in *The Social Contract* 'Man is born free, but everywhere is in chains.' This means that the freedom and equality of human beings is not a reality, but an ideal which has to be pursued, not an existence but a value, and not a being but a must.

The concept of human rights as natural rights have been reflected in many documents such as the American Declaration of Independence of 1776 which states that *we take these truth to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness.*

Article 1 of the French Declaration of the Rights of Man and the Citizen states, *all men are born and remain free and equal in their rights.* The ideas are confirmed in the legally binding UN Charter, which stipulates in its preamble *to affirm faith in fundamental human rights in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...*

The second stage in the history of human rights is the transition from theory to practice, from the perception of a right to its enactment. The assertion of human rights by legislators in normative legislations as declaration of rights proclaimed by the 13 North American States (colonies of Britain) and the French Revolution was the starting point of a genuine system of rights which formed the basis for a new concept of the state. The Magna Carta of 1215, the Common Law principles of due process and the writ of habeas corpus which were given clear expression in the 1689 Bill of Rights led to the development of fundamental civil rights.

The third stage commenced with the Universal Declaration of Human Rights (UDHR) (p.20.) in 1948 in which the assertion of human rights is both universal and positive. By using the traditional categories of natural and positive law, human rights are created as universal natural rights, developed into specific positive rights, and then find their full implementation as universal positive rights. However, the declaration is not a system of real legal norms. It proclaims the principles which it is upholding not as legal norms, but as a common ideal to be achieved by all peoples and all nations.

The rights are sometimes classified into 'generations.' The first rights to be demanded were the 'first generation rights' – the civil and political rights – the right to freedom of opinion, press, assembly and life. The state is to abstain from interference in the life of its citizens. The second generation places on the state a sense of social responsibility and is now known as the economic social and cultural human rights. The right to minimum income, work, health care, education, leisure... all come under this head where the state has to act to ensure social justice. The third generation of human rights is called people's rights or solidarity rights. Right to peace, a healthy environment, cultural integrity, self-government and the right to development are important components of this generation of rights.

Expanding with understanding

Human rights are constantly expanding with the increase in human understanding. UDHR is only a starting point. One aspect that immediately strikes anyone reading the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – not to mention the writings of Locke or the declarations of the French Revolution or the American Independence – is the rather sexist language. The use of gender sensitive and gender neutral language is relatively recent. Rather than go back and change the language to be more inclusive, subsequent declarations and covenants use inclusive language. Women and labour were among the first. As more and more groups got organised and got their voices heard, more and more concerns could be addressed. Each international covenant, declaration or human rights instrument builds on the previous ones and expands or consolidates existing human rights.

One of the most dramatic is the issue of the indigenous people. It took the threat of boycott of the 1992 Olympics by the African countries for the European countries to realise that there were still unhealed wounds of the slave trade and the genocide of the indigenous peoples. This was when there was a move to 'celebrate' 500 years of the 'discovery' of the 'new world' by Columbus in 1992 – which the indigenous people felt was adding insult to injury.

How could anyone who is sane 'celebrate' such a shameful event – a blot on human history – which has laid waste many ancient civilizations? In just three decades from the time of the infamous 'discovery,' 90% of the 'New World's' population was brutally wiped out by the European invasion. Outraged at the very suggestion, it generated not only widespread indignation but also elaborate plans to remember the day as '500 years of resistance' to the colonisation. Despite all this, indigenous people are the only group denied the right to self-determination in UN documents, with almost all countries filing caveats to the provision in their accession to treaties and covenants.

Legal standards and state obligations

For a rights-based approach to development, a precise understanding of the international human rights instruments, their provisions, interpretations, limits and obligations of states is indispensable.

Human rights instruments come in the form of treaties and resolutions. Standards adopted by way of treaties (known as covenants, conventions and protocols) are binding under international law upon the states which have ratified or acceded to them. The standards merely adopted by vote in international forums (in the forms of resolutions, declarations, codes of conduct, standard minimum rules and basic principles)

constitute recommendations from intergovernmental organisations to member states.

Explanation and clarification of the articles are mainly made by the Committees for each covenant in their 'general comments.' For instance, for the ICESCR, the Committee on Economic, Social and Cultural Rights passes its 'general comments.'

The UDHR proclaimed on 10 December 1948 has set 'a common minimum standard of achievement for all peoples and all nations.' The UDHR is an important milestone in the global protection of human rights – a process which is far from complete. The UDHR is regarded as the basic cornerstone of the international human rights system and provides the foundation upon which ICCPR, ICESCR and other international legal standards are based. The universality and continuing validity of the UDHR were reaffirmed by the international community in the 1993 Vienna Declaration and Programme of Action adopted by the Vienna World Conference on Human Rights, attended by 171 countries.

The rights proclaimed by the UDHR are often divided into two distinct thematic categories: civil and political rights, and economic, social and cultural rights. The conceptual dichotomy is reflected in the existence of two separate covenants, the ICCPR and the ICESCR. These three instruments are referred to as the International Bill of Human Rights. However, the world had to wait for almost thirty years – till the two treaties ICCPR, and ICESCR signed in 1966 come into force in 1976 – for the principles of the UDHR attain legal status as contractual commitments.

There are literally several hundred other human rights instruments, with general and specific contents, most of which have been adopted under the auspices of the United Nations, the International Labour Organisation (ILO), and the United Nations

Education, Science and Culture Organisation (UNESCO). Regional organisations, like the African Union (AU, previously the Organisation of African Unity, OAU), the Organisation of American State (OAS), the Council of Europe, and the Organisation on Security and Cooperation in Europe (OSCE) have also passed a large number of human rights texts.

Major international instruments

Besides the International Bill of Rights – the UDHR, ICCPR, ICESCR – there are major human rights and humanitarian instruments which have been adopted by the United Nations with particular relevance to specific areas of human rights and humanitarian law.

The major international treaties are the first and second Optional Protocols to the ICCPR, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), and the Convention Relating to the Status of Refugees.

Individual and collective rights

The emphasis in most of the human rights instruments is on the individual as a beneficiary of the standards. However, several human rights instruments provide for group rights. These include CERD, the UNESCO Declaration on Race and Racial Prejudice and the ILO Convention Number 169 which covers indigenous people. In these instruments, it is groups which are entitled to protection.

Other instruments, like ICCPR in Article 27, address themselves to persons belonging to a group and their entitlement to rights in a community with other members of the group. Other instruments, in the field of solidarity rights in particular, often place an emphasis on peoples as beneficiaries. Peoples are entitled to the rights to development, the right to peace, a clean environment and natural resources, as well as decolonisation and the rights of self-determination.

RBA and SEC rights

The work on civil and political rights has its limitations, specially since the globe, has many different forms of political systems spanning the entire range of human ingenuity. However, despite the differences in the administrative and political systems, the basic rights of individuals and communities – the social, economic and cultural (SEC) rights – need to be ensured.

The importance attached to SEC rights is not to devalue the civil and political rights in any way. All rights are indivisible. Arjun Sengupta, the UN independent expert on the right to development puts it succinctly:

If a group of destitute or deprived people are to have a minimum standard of well-being, a simple transfer of income through doles or subsidies may not be the right policy. They may actually have to be provided with the opportunity to work, or to be self-employed, which may require generating activities that a simple reliance on the market forces may not be able to ensure. If improvement of well-being of the people based on the enjoyment of rights and freedoms is the objective of development, economic growth consisting of the accumulation of wealth and gross national product would not be an end in itself. It can be one of the ends, and can also be a means to some other ends, when 'well-being' is equivalent to the realisation of human rights. A prosperous community of slaves who do not have civil and political rights cannot be regarded as a community with well-being.

Present work on SEC rights has often been minimal, with charity based and service delivery being the norm, despite evidence of creating dependency and further marginalisation, apart from being inherently unsustainable. A focus on SEC rights from a human rights perspective can be the unifying common denominator for international civil society action no matter what the form of government. The SEC rights are elaborated in the ICESCR.

Core and minimum content

The *core content* of a human right refers to the entitlement or the set of guarantees that constitute the rights. The core content of an SEC right has both *universal* and *unique* characteristics.⁸

The *universal characteristics* are those which apply to all rights. Non-discrimination is one such universal characteristic. No individual may be denied the exercise of any right on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Certain characteristics of the core content of each right are *unique* to that specific right. For example, access to immunisation against preventable epidemic diseases is the key component of the core content of the right to health, but it is not applicable to other rights.

The *minimum core content* is the non-negotiable foundation of a right to which all individuals, in all contexts, and under all circumstances are entitled. It is the intangible baseline level that must be guaranteed for all persons. It indicates a minimum below which no government should perform, even in unfavourable conditions.

Defining the content of rights⁹

Concept	Definition	Example
Core content	The specific individual entitlements that make up that right.	Prevention: All individuals and communities have the right to immunisation against preventable epidemics or endemic diseases.
State obligation	The responsibilities of the state to protect, promote, respect and fulfil the entitlements under the right.	The state is to develop health policies to promote, prevent, treat and rehabilitate.
Outcome indicators	The concepts or tools used to monitor the status of a specific right.	Infant mortality due to preventable diseases.
Process indicators	The concepts or tools used to measure the status of the state's human rights obligations.	Level of immunisation of children under one year of age against the main childhood diseases.
Data	The information that fills the indicator.	Number of babies who have died from preventable diseases; number of clinics providing immunisations.

The concepts of core content and the minimum core content are not unique to SEC rights. Defining the core and minimum core contents of SEC rights is not without debate and controversy. Human rights defenders should bear in mind that the concepts of human rights is a continuously evolving process.

Obligations of the state

Human rights, like all other rights, are based on a relation between two parties – the claimant or the beneficiary of a right and the entity that is obliged to ensure that the claim is met. While individuals and groups are beneficiaries of rights set forth in the

instruments, State Parties to international treaties have responsibilities under international law. A state is responsible for acts or omission which can be attributed to it as its own. But what constitutes the state? In international law, a state is responsible for the action of:

- The government.
- Any political sub-division of the state.
- Any organ, agency, official, employee or other agent of its government or of any sub-division acting within the scope of their employment.

However, a state is not responsible for acts committed by one of its nationals against a foreigner. The individual may, of course, be liable to prosecution in the domestic courts and the government concerned may be held internationally liable if it fails to discharge its duty of diligently prosecuting and properly punishing the human rights violator.

Each human right carries corresponding state obligations. When states ratify international treaties, they commit themselves to abide by and fulfil the state duties required in the agreement. Human rights impose three types or levels of obligations on States Parties: the obligation to respect, to protect and to fulfil. Thus under international law, obligations for human rights are primarily held by states.

At both national and international levels, there may be moral responsibilities. But when it comes to human rights, moral responsibilities are not enough. Human rights standards are, in most cases, guaranteed by both domestic and international law. The essence of human rights is to put obligations on states for certain minimum norms of conduct vis-à-vis all persons.

Another important element is the concept of human dignity which is reflected in the relationship between each person and society in which qualities and inherent value must be ascertained. In this context, rights of persons are recognised vis-à-vis their society. Human rights thus imply two levels of relationships – between individuals and individuals in which the respect of each other's rights constitute a crucial duty and between individuals and states in which the state has duties to respect, protect and fulfil the rights and freedoms of each and every individual and group.

The obligation to respect

States must not destroy but respect the human rights standards set. State authorities must not keep people from educating themselves, they must not tolerate unfair trials, and they must not torture. Such obligations are sometimes called negative obligations since they tell states what they must not do.

The obligation to protect

States must protect the human rights standards. This positive obligation obliges states to take action. With regard to persons enjoying human rights standards, states have to prevent third parties from destroying the quality of life, i.e., they have to ensure that children are not prevented from attending school, have to prevent judges from being bribed by third parties to conduct unfair trial, etc.

The obligation to fulfil

This is a positive obligation of the state. This state obligation requires appropriate measures to be taken to make sure that the human rights standards are attained. States have to provide remedies to address a faulty trial, guarantee access to education, and provide for intervention in situations of torture to stop it.

Right to health		
Respect	Protect	Fulfil
<ul style="list-style-type: none"> • Not denying or limiting equal access of all persons, including prisoners, minorities, women, children and asylum seekers, to preventive, curative and palliative health services. • Abstaining from enforcing discriminatory practices as state policy. • Abstaining from imposing discriminatory practices relating to women's health status and needs. • Refrain from censoring, withholding or intentionally misrepresenting health-related information. • Refrain from preventing people's participation in health-related matters. • Refrain from limiting access to health services as a punitive measure. 	<ul style="list-style-type: none"> • Adopt legislation or take other measures to ensure equal access to health care and health services by third parties. • Ensure that privatisation does not constitute a threat to the availability, accessibility, acceptability and quality of health facilities, goods and services. • Ensure that medical practitioners and health professionals meet appropriate standards of education, skills and ethical codes of conduct. • Prevent women from being forced to undergo discriminatory traditional practices such as genital mutilation. 	<ul style="list-style-type: none"> • Develop a national health policy and legal framework. • Allocate adequate resources and budget for providing adequate health care. • Provide health care, including immunisation against major infectious diseases. • Ensure equal access to nutritious, safe food and potable drinking water, basic sanitation and adequate housing and living conditions. • Provide appropriate training to doctors and medical personnel. • Provide sufficient hospitals, clinics and health facilities. • Take positive measures to enable and assist individuals and communities to enjoy the right to health. • Disseminate appropriate information relating to healthy lifestyles and nutrition, harmful traditional practices and the availability of services.

The obligations of State Parties are expressed through the use of the terms: undertakes to take steps, to the maximum available resources, achieving progressively the full realisation, and by all the appropriate means, including particularly the adoption of legal measures. The Committee further elaborates that obligations of states include both obligation of conduct and obligation of result.

Progressive realisation

The overall objective of the ICESCR is to establish clear obligations for state parties in respect of full realisation of the rights in question. It thus imposes an obligation to move as quickly and effectively as possible towards that goal. 'Progressive realisation' must be interpreted in such a way that not only is there continuous improvement but the state is also obliged to ensure that there are no regressive developments.

To the maximum of its available resources

The notion that economic resources are essential for the implementation of economic, social and cultural rights has been the major justification for considering it secondary to civil and political rights. The Committee on Economic, Social and Cultural Rights has acknowledged the importance of resources in fulfilling the rights but does not consider resource availability as an escape clause. It states that *in cases where significant numbers of people live in poverty and hunger, it is for the state to show that a failure to provide for persons concerned was beyond its control.*

Undertakes to take steps

It is clarified by the Committee that while the full realisation of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the states concerned. Such steps

should be deliberate, concrete, and targeted as clearly as possible towards meeting the obligations recognised in the ICESCR.

Non-discrimination

Non-discrimination is a basic principle of human rights and is considered a core human right. It is a precondition of peace and development and a fundamental aspect of states' obligations. In the implementation and enforcement of human rights, it emphasises that everyone is entitled to the enjoyment of human rights irrespective of their colour, gender, religion, ethnic, social or national origin, political or other opinion, property, birth or other status.

The principle of equal enjoyment of human rights and non-discrimination in this applies across the board to all categories of rights. This is the rule underlying the international human rights instruments. The UDHR, as well as all other human rights treaties explicitly emphasise the principle of non-discrimination. A number of human rights treaties are exclusively dedicated to non-discrimination, for example, the elimination of discrimination against women (in CEDAW), the eradication of racism and racial discrimination (CERD), and respect for the rights of minorities and indigenous peoples. Certain International Labour Organisation (ILO) treaties are designed to avoid discrimination in employment and at the workplace.

Articles 2(2) and 3 of ICESCR and Article 3 of the ICCPR deal with non-discrimination. They provide for the equal rights of men and women to enjoy the rights set forth in the Covenant. The concept of 'progressive realisation' is not applicable to the non-discrimination clause nor to the obligation to ensure equal rights of men and women. A state is obliged to ensure the non-discrimination and equality clause immediately rather than progressively. Its obligation includes affirmative action to eliminate

conditions that contribute to discrimination. The UN Committee also emphasises that discrimination is not restricted to those grounds identified under the Covenant and includes discrimination based on age, health, status or disability.

Obligation of conduct

A state has to carry out this action or has to abstain from that action. It also means that a state has to undertake a specific step to act or to refrain from action. For example, enacting a law prohibiting forced labour is an act of conduct. The action or conduct must be specific.

Obligation of result

This means attaining a particular outcome through active implementation of policies and programmes. The state has to achieve some result. However, the state in question cannot be blamed for the simple fact that result is not achieved if there are acceptable reasons. Some obligations of result may be mere programmatic statements.

Obligations of non-state actors

Human rights, and human rights law, were intended to protect the individual against excessive use of state power. The key international treaties make explicit that only states hold human rights obligations. However, in the present context of globalisation, the role of state is reduced. With the decreasing role of the state and increasing role of non-state actors, the challenge of a rights-based approach is to ensure that human rights forms the normative value base of society and all relationships. This position of human rights defenders – that human rights form a normative *value base for all relationships* – is slowly becoming a

‘mainstream’ position. Only such a normative base can ensure a life with dignity for all at all times.

An orientation that is heavily state-centred fails to take into adequate consideration the changing environment at both national and international levels. Non-state actors, such as transnational corporations (TNCs), IFIs fundamentalist groups and armed opposition groups have an increasing impact on the enjoyment of rights – the SEC rights in particular.

International human rights laws do not oblige private actors to act in particular ways, and therefore they cannot be brought to account directly through human rights law. However, human rights law does oblige states to regulate the conduct of non governmental actors, including corporations to ensure they do not commit human rights abuses.

There is increasing evidence that activities of corporations have a negative impact on all sorts of rights be they economic, social, cultural, political and civil. In *The Circle of Rights*, some approaches are recommended when considering the obligations of non-state actors.

- Human rights obligations may be imposed on non-state actors by national constitutions or laws, and activists should research and identify such applicable constitutional provisions or laws.
- State-owned corporations are considered to be part of the state and held responsible under the states obligations.
- The courts in some countries have placed human rights obligations directly on non-state actors. Activists should be aware of the jurisprudence in the venue of concern to them.
- Non-state actors, including corporations, can be held directly responsible according to the provisions of certain human rights treaties, like the Genocide Convention.

- Corporate activities may be addressed indirectly through the state's obligation to protect.¹⁰

IFIs, the World Bank and the International Monetary Fund [IMF] in particular, have been criticised because they have shown little interest in human rights despite the fact that their activities affect the lives of people, specially the most vulnerable and the poor living in developing countries.

The Committee on Economic, Social and Cultural Rights has noted in its General Comment No. 2 on this issue that:

Development cooperation activities do not automatically contribute to the promotion of respect for economic, social and cultural rights. Many activities undertaken in the name of development have subsequently been recognised as ill-conceived and even counter productive in human rights terms. In order to reduce the incidence of such problems, the whole range of issues dealt with in the Covenant should, wherever possible and appropriate, be given specific and careful consideration.

Until recently the IFIs put emphasis on 'good governance' in which the concept of human rights can be included. In the beginning of the 1990s the World Bank launched the poverty eradication programme and increased the lending to human resources development almost five-fold in dollar terms since the early 1980s. But the framework focuses on basic human needs not human rights per se. In general, the IFIs still deny that human rights rules and good governance practices such as transparency and accountability are binding upon them. Moreover, in many cases, development aid and lending to developing countries are still perceived as a form of charity.

Sia Spiliopoulou Åkermark writes that:¹¹

The World Bank and the IMF are set up by states and their governments. These states have undertaken human rights obligations by ratifying various human rights instruments, and they should not be able to neglect such obligations because they sometimes act through an international organisation.

As subjects of international law, the World Bank and the IMF should refrain from acting in a manner that would undermine the Member States' ability to fulfil their own freely assumed international legal commitments. In addition, the World Bank and the IMF are specialised agencies of the UN.

As specialised agencies and as international organisations composed by states which are bound by UN decisions, the IMF and the World Bank should acknowledge their obligations to comply with all binding decisions of UN organs. Moreover the Relationship Agreements between the UN and the World Bank and the IMF require that these institutions consider the decisions and recommendations of the UN.¹²

Though state obligations are fundamental for the realisation and enjoyment of rights, the individual is the active subject of all economic and social development. Non-state actors and international financial institutions are directly or indirectly legally and morally bound by the obligations and can play an important role in the promotion and protection of human rights. Individual aspirations and expectations of human rights and dignity can be accommodated and fulfilled in the process of social, economic and technological changes.

Basic foundation of a human rights approach to development: understanding the right to development

The right to development links human rights and development, in particular social and economic development. Although there is no full agreement on the scope of the Right to Development, the Vienna Declaration and Programme of Action reaffirms it as a universal and inalienable right and an integral part of fundamental human rights.

The UN General Assembly adopted the Declaration on the Right to Development in 1986. The declaration defines development as a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting from it. The definition makes several significant points and reflects several aspects as to the content of the right to development. First, it is clear that as all human rights and fundamental freedoms are indivisible and interdependent, equal attention and consideration should be given to the promotion, protection and implementation of all human rights, whether they be civil, political, economic, social or cultural.

Second, it emphasises the importance of participation. The participation of all individuals in development must be active, free and meaningful. The right of individuals and peoples to participate in and contribute to, and enjoy development must be insured. Women must have an active role in the development process. Education should enable all persons to participate effectively in a free society.

Third, it should be seen in the context of basic needs and social justice. Reference is made to the need to ensure that the improvement of the well-being of the entire population and of all individuals takes place on the basis of their participation. This partnership is in development and in the fair distribution of the benefits resulting from it. There must be equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.

Fourth, it emphasises both national policies and programmes and international cooperation. Just as the right of self-determination means a right of the people vis-à-vis their own government, the right to development formulates rights for individuals, groups and peoples vis-a-vis their government. However, international cooperation is also needed.

In effect, human rights and development are not distinct or separate spheres. Development is a subset of human rights. All development must be to enhance human rights of all, both individually and collectively. This runs counter to the assumptions underlying the current approaches to development cooperation and human rights which treat development and human rights as separate. A human rights-based approach to development is well served by the concept of the right to development, provided that right is seen as a true human right. The question therefore, is not how to identify points of actual or potential intersection, nor to link the two by way of conditionality¹³ but to look at development as a right.

Non-discrimination in development

The concept of non-discrimination primarily reflects a notion of justice as based on consistent treatment and often formulated in terms of concepts such as equality of opportunity and results. More

attention needs to be paid to the results focusing on the distribution jobs, property, status, and of representation. Three models are attached to developing conceptions of equality:

- An individual justice model focuses on cleansing the process of decision-making, concentrating on securing fairness for individuals, and reflecting respect for efficiency, merit, and achievement.
- A group justice model which concentrates more on the outcome of decision-making than on the process of making decisions. It seeks as its primary aim to improve the relative position of particular groups.
- A participative model whose primary aim is to give excluded groups an appropriate voice in public affairs. It is achieved by a remedial structure which would weave policies of equality into the fabric of decision-making across all spheres of government. This is done by involving the affected groups themselves. Most important is the facilitation of participation by empowering the disadvantaged.

A human rights approach to development that includes non-discrimination pays special attention to disadvantaged groups and individuals in society. Most development projects already address some of these groups, especially the poor, women and children. For a human rights approach to development, the non-discrimination principle needs to be integrated in development projects.

It has to be supplemented by the recognition of the legal obligations of the state and incorporating non-discrimination in the development policy. Broadening the consideration of equality and non-discrimination to all spheres of development policy and implementation, and insuring that measures against discrimination neither depend on specific programming nor

change according to political decisions are indispensable. In brief, in a human rights-based approach to development, equality and non-discrimination must become a criterion for designing programmes and policies. The elimination of discrimination must become a benchmark for measuring their success.

Participation and empowerment

Article 1 of the Declaration on the Right to Development stresses that by virtue of their inalienable right to development, every human person and all peoples are entitled to participate in and contribute to [and enjoy] development. It clarifies that development policies can be legitimate only if they are predicated *upon the active, free and meaningful participation of the people*. Participation is considered as a *right*. Therefore, participation is a right of the people and is not an optional gift to be bestowed to citizens by governments. Neither do governments have the prerogative to determine the purpose, form and extent of participation without reference to those concerned.

Participation is recognised as having a central and decisive role in development models. 'Participatory development' and 'people-centred development' are frequently linked to sustainability. The notion of participation is always associated with the terminology of 'empowerment and ownership.' But it is not enough.

In a human rights-based approach to development, participation also links with 'control.' Control means 'power of directing, to exercise authoritative or dominating influence over or to exercise restraint or direction over.' Participation understood as control should not be confused with 'involved' 'consulted' 'empowered' or even 'ownership'. To ask who has control means who has power to direct a particular aspect of any development programme or policy.¹⁴ Understood in this way, participation

requires the right of self-determination which implies that the people have the right to determine their path of development. For this, they need other human rights, above all the rights to education and information. An appropriate standard of living with adequate food, housing, health, etc., is another precondition for participation as well as an outcome.

Although the inclusion of participation in development policy is not new, donors, development organisations, and even NGOs have a somewhat formal understanding of participation which often means informing the people concerned of more or less fully planned or designed projects. More frequently, participation was embraced as a component for effectively delivering the pre-determined results. However, a human rights approach implies that participation is a right not an instrument to increase the acceptance of programmes and projects that are brought to the people.

Participation as a human right underlines the duty of both, insuring the conditions for participation and dismissing paternalism and charity. Participation in a human rights approach includes control of planning, process, outcome and evaluation. In this perspective, participation respects the fundamental human rights tenet that people are the subjects, the active players, who determine and freely pursue their economic, social and cultural development. Participation in this sense demands democracy and strong civil society and conversely strengthens civil society and democracy.¹⁵

Good governance

Good governance as a human right

The key dimensions of good governance are accountability, a legal framework for development, information and transparency. Human rights values become the non-negotiable for good states. The human rights approach stresses that states and state

institutions are only instruments for protecting, promoting and securing human rights for all.

The UDHR, specially Article 21, but in all articles relating to due process, provides a good starting point. The characteristics of good governance derive from, or are related to, UDHR and include:

- Government officials must be accountable for their actions through clearly formulated and transparent processes, and more particularly the legitimacy of a government must be regularly established through a well-defined open process of public choice (UDHR 21).
- The safety and security of citizens must be assured (UDHR 3,5), the rule of law must prevail, and citizens must be protected from arbitrary or capricious actions by public authorities (UDHR 7, 8, 9, 10 and 11).
- Everyone has the right to an adequate standard of living and the necessities of life, which should be provided for the benefit of all citizens in an equitable manner (UDHR 22, 23, 24,25).
- Freedom of association and expression of opinion must be permitted and information must be readily available to ensure accountability (UDHR 19, 20).

Good governance as a tool

There seems to be no consensus on what the term good governance covers. Human rights defenders have long held the view that the UDHR and the values held therein form the basis of good governance. Good governance is now used more as technical criteria connected to efficiency and excludes consideration for rights. Good governance in itself is not sufficient. The Nazis are the epitome of good governance, specially transparency, as a techno-managerial tool.

In the recent past however, there has been a shift to defining good governance as a techno-managerial tool for efficient programme implementation. There is a world of difference between these two positions. For the World Bank, governance means 'the manner in which power is exercised in the management of a country's economic and social resources for development.' The bank further develops four principal components of governance, namely public sector management, legal framework for development, accountability, and transparency and information.

The World Bank's concept of good governance covers several elements that are bound up with the functioning of public administration. Effectiveness and efficiency are important key words. The term is used by the bank to denote the use of political authority and exercise of control in a society in relation to management of its resources for social and economic development. The term 'good governance' is elaborated by the World Bank as denoting 'predictable, enlightened and open policy, processes, bureaucracy with a professional ethos, a government accountable for its actions, a strong civil society participating actively in public affairs, and all under the rule of law.'

Good governance has become integrated in the cooperation policies of most development agencies and donors. Governance is seen-an essential part of building state capacity. The 'recipient governments' are forced to become more accountable 'outwards' to 'donors' rather than 'inwards' towards their own citizens. There is an assumption that sustainable economic and social development on the one hand and human rights, democratisation, and good governance on the other are intertwined in a mutually supportive relationship. Under this assumption, human rights, democracy and good governance are perceived to be mutually supportive and interdependent entities.

This form of 'good governance' does not always go hand in hand with human rights thinking. In many cases, capacity building does not necessarily improve human rights conditions and successful good governance programmes can co-exist with a recipient government that regularly violates human rights. This can be explained by the fact that techno-managerial good governance has development as its goal. The governance debate looks to human rights not for their intrinsic value but for their instrumental role in creating an environment for sustainable economic development.

The techno-managerial mode is preferred by those who would like to exempt themselves from adhering to human rights standards. They themselves are often human rights violators.

Characteristics of good governance

Governance is bounded by four properties: authority, reciprocity, trust, and accountability.¹⁶

Trust

Trust is the normative consensus on the limits of action present in a political community. Indicators of trust in a political community are the extent to which individuals and groups in society cooperate in associations that cut across basic divisions such as ethnicity, race, religion, and class.

Reciprocity

The quality of social interaction among members of a political community is reciprocity. An important indicator of reciprocity is the extent to which individuals are free to form associations to defend and promote their interests in the public realm.

Accountability

Accountability refers to the effectiveness with which the governed can exercise influence over their governors. Trust and reciprocity are not easily sustained without specific rules of holding leaders accountable to civil society.

Authority

Authority is the legitimate use of power. Authority is facilitated by the other three variables but it goes beyond these in stressing the significance of effective leadership. Indicators of authority consist of compliance with not only given policies but also the process by which they are arrived, i.e., the extent to which leaders respect rules or change them in ways that are acceptable to the governed.

The more the four variables are present, the greater the likelihood of good governance. The more authority, reciprocity, trust and accountability there is, the higher the likelihood that individual rights are respected by the state. Good governance in this sense means that the state comes closer to its citizens and starts negotiating more with the citizens and providing basic services.

Integrating human rights into governance

While there is a conflict between the value-based and techno-managerial perception of good governance, the relationship between human rights and good governance is not conflicting. It is one of mutual benefits. Governance policies may benefit from legal human rights obligations and governance measures can also strengthen the protection and fulfilment of human rights. But because the two are different concepts and have different foundations, bridges must be built. How can linkages or bridges be built between human rights and good governance?¹⁷

The concept of human rights is explicitly normative, involving ideas and values about how a state should act towards individuals. Human rights are a means to the end of human dignity, and therefore they set some minimum standards of what human dignity should encompass. The latter implies minimum standards of how the state should govern. In this perspective, good governance should primarily be defined by human rights standards and only secondarily by economic and managerial criteria.¹⁸

Human rights are something that individuals and groups are entitled to. Good governance is something that the authorities are obliged to do. From a rights-based perspective, the concept of good governance should function as a supporting mechanism in endeavours to increase the legal protection of the economic, social and cultural rights of the people.¹⁹

Although frequently human rights are not considered an integral part of good governance and good governance is seen as a means to improving the people's possibilities to claim their human rights, still good governance can offer something to human rights (and vice versa) if good governance is to be described as accountable, transparent administration under the rule of law.²⁰

Good governance is a basic dimension for the realisation of human rights in general and for the success of participation. If development agencies intend to relate their activities to human rights, then all elements of human rights must be respected. Good governance must be related directly to human rights.

If good governance is predominantly participatory, equitable, and promoting the rule of law, then good governance touches directly on a fundamental foundation of human rights and is based upon a proper observance of human rights. The manner in which power is exercised by the state and the values it is built on is central to

creating and sustaining an environment which fosters strong and equitable development. The state needs to be rebuilt from top to bottom based on human rights values.

A human rights based approach

Advancing a human rights approach to development requires a new paradigm and a new perception of both rights and development. The dignity and well-being of human beings are the foundation on which a rights-based approach is built. Working for development by extending services or providing for basic needs is different from working to ensure the enjoyment of rights, SEC rights in particular. The effect of depriving basic SEC rights on the dignity of a person cannot be ignored. Individuals cannot be asked to wait for economic development to happen before their dignity is respected.

A rights-based approach is founded on the conviction that each and every human being, by virtue of being human, is a holder of rights. Thus a rights-based approach involves not charity or simple economic development, but a process of enabling and empowering those not enjoying their human rights to claim their rights. The process of staking a claim not only asserts an individual's ownership of his or her entitlement, it also helps define the rights and raises awareness that what has been claimed is not a privilege or an aspiration, but a right.

But what does a rights-based approach to development mean?

- It means the difference between a right and a need. A *human right* is something to which one is entitled solely by virtue of being a person. It is that which enables one to live with dignity. A right can be enforced before the government and entails an obligation on the part of the government to honour it. A *need*

is an aspiration which can be quite legitimate, but is not necessarily associated with an obligation on the part of the government to cater to it. Satisfaction of a need cannot be enforced. *Rights are associated with being, whereas needs are associated with having.*

A rights-based approach focuses on the rights themselves and the apparatus that makes the violations possible. It does not focus solely on defending or attacking the form of government, on making statements for or against the victim's political inclination, or on the alleged or actual motivations of those violating human rights.

A right is defined on the basis of dignity, on the basis of *being*. It is not defined on the basis of *having* or the social or economic programme of a party or a government. A political programme can and should be negotiated, where dignity is non-negotiable. Political programmes are necessary to honour human rights, but they cannot be substituted for them. Political programmes are subject to change in social and economic dynamics, and what is important today may not be important tomorrow. The dignity of the individual is immutable; it is the same at all times and in all places, and its essence transcends cultural particularities.



Development, poverty and exclusion

Development, poverty and exclusion mean different things to different people. The definition determines how each is perceived and addressed. Development from the perspective of the market economy is very different from development from a human rights perspective. Similarly, when viewed through the eyes of the poorest of the poor, development takes on an entirely different meaning. In this chapter, we define the terms 'development,' 'poverty,' and 'exclusion' both from a conceptual perspective and the perspective of those who actually experience these.

Exclusion leads to powerlessness, the inability to access, benefit or control the resource base required for a life with dignity. Understanding the process of exclusion and its manifestations is a key step in developing a strategic plan to intervene successfully in eliminating and reversing exclusion to be able to move on to a process of inclusion ensuring human rights for all. The process of exclusion is explored through the following questions:

- How is society ordered to facilitate exclusion?
- Why is it necessary?
- What are the processes?
- What are the economic compulsions?
- What is the result of this total assault on life and livelihood systems?

We then move on to understanding poverty from a human rights perspective. It will help understand why a substantial number of people remain trapped in the vicious cycle of riches – repression – revolt.

Understanding the concepts from a human rights perspective is essential to address the root causes of poverty. It will help make strategic choices for the optimal use of resources to make maximum impact and change in the life of the most vulnerable.

Development

Amartya Sen and James D Wolfensohn have pointed out that while researchers have defined development as a process of expanding the freedoms that people enjoy, the World Bank looked at development as a process that ends with freedom from poverty and from other social and economic deprivations. Sen further explains in his book *Development as Freedom* that:

development can be seen as a process of expanding the real freedoms that people enjoy. These freedoms are both the primary ends and the principal means of development. They include freedom to participate in the economy, which implies access to credit, among other facilities; freedom of political expression and participation; social opportunities, including entitlement to education and health services; transparency guarantees, involving freedom to deal with others openly; and protective security guaranteed by social safety nets, such as unemployment insurance or famine relief.

In fact, development goes much beyond the accumulation of wealth and growth of the gross national product and other income-related variables. Economic development has other dimensions. Sen emphasises that:

development has to be more concerned with enhancing the lives we lead and the freedoms we enjoy. Expanding the freedoms that we have reason to value not only makes our lives richer and more unfettered, but also

allows us to be fuller social persons exercising our own volition and interacting with and influencing the world in which we live.

To make development work, Sen and Wolfensohn elaborated in their statement on *Development: A coin with two sides* that we need:

- A consolidated package of specific requirements that include honest government, open legislative and transparent regulatory systems, properly trained and remunerated officials and a vigorous commitment by leaders to fight corruption at all levels.
- An effective and impartial legal and justice system, with protection of and positive support for rights and freedoms of various kinds, a well-organised and supervised financial system, effective social safety nets and essential social programmes.
- Education and knowledge institutions that offer access to all at every level. There must also be a real commitment to extend the coverage of health services, family planning, and clean water and sewerage system to all.
- Physical infrastructure, national environment and cultural heritage must be protected.

Countries and people themselves, not donor agencies or foreign experts, must be in the driver's seat. A general framework must be broadly accepted and particular strategies have to be discussed and developed. Development must be broadly based and broadly owned. Reaching that goal must involve wide participation of all sectors and groups of society.

Development, specially sustainable development, is important in the context of human rights. If development is to be sustainable it must provide individuals with secure and predictable long-term access to the resources required to satisfy their needs and improve

their well-being. The process of sustainable development implicitly involves working progressively to secure the rights of individuals to resources – economic, social, cultural, political and civil – and to appropriate avenues of redress.

The basis of development policies are concepts of ‘good society’ and ways to get there. While most governments emphasise aggregate growth in wealth, production, public services, consumption, etc., others stress distributional aspects, i.e., ensuring minimum standards of quality of life throughout the population. The goal expressed is poverty reduction, where poverty is broadly understood as the lack of a series of basic human needs, capabilities and opportunities. Determining violations of SEC rights carries a similar perspective. Basic needs have to be expressed in term of rights.

Poverty

The concept of poverty is not limited to a person’s pure material requirements. According to the UNDP and Amartya Sen, poverty is multidimensional in character and diverse. The concept of poverty has been defined from different perspectives.

Income perspective

A person is poor if, and only if, her income level is below the defined poverty line. The poverty line used by the World Bank for international comparison is set at one US dollar a day per person. The poverty line varies from one continent to another.

Basic needs perspective

Under this poverty is deprivation of material required for minimally acceptable fulfilment of human needs, including food, basic health care, education and essential services that have to be

provided by the community or state. It also recognises the need for empowerment and participation.

Capability perspective

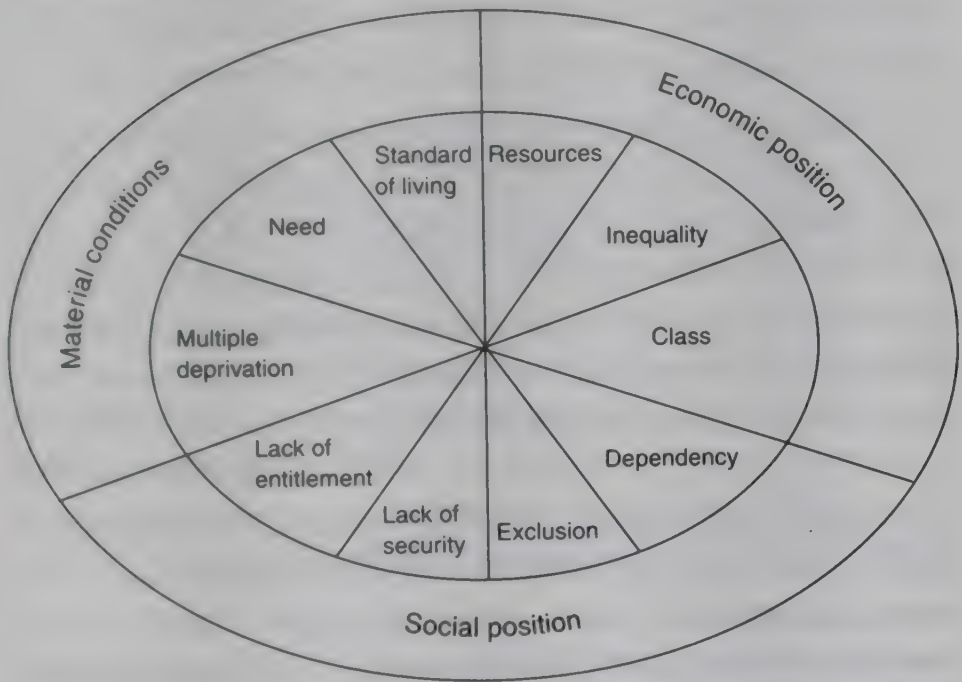
Poverty represents the absence of some basic capabilities to function. In the capability concept, the poverty of a life lies not merely in the impoverished state in which the person actually lives, but also in the lack of real opportunities due to social constraints as well as personal conditions to lead valuable and valued lives.

Poverty as a web

In *Definitions of Poverty: Eleven Clusters of Meaning*, Paul Spicker points out that poverty is commonly understood in at least eleven discrete senses. The senses can, and do, overlap, but they are discrete because they can be logically separated, so that circumstances which apply in one sense do not necessarily apply in others. Those clusters of meaning of poverty are closely linked with the concepts of development and human rights. They include need, standard of living, limited resources, lack of basic security, lack of entitlement, multiple deprivation, exclusion, inequality, class, dependency and unacceptable hardship.

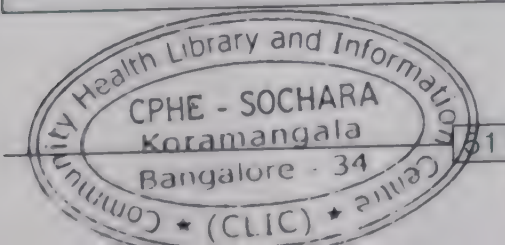
Poverty can be seen as a set of social relationships in which people are excluded from participation in the normal pattern of social life. Human poverty constitutes a denial of human rights to promote social progress and raise the standard of living within the wider concept of freedom. Poverty is a great enemy of human happiness. It certainly destroys liberty. However, poverty is not only lack of material needs. It includes other aspects of life, such as lack of personal security, access to information and ability to influence political decisions.

Within this multidimensional perspective, poverty reduction will have to address not only improvement in livelihoods, but also improvement in access to resources, expansion of knowledge and increased empowerment. To do so, one has to understand the process of economic, social and political exclusion.



Poverty

- 800 million people suffer from malnutrition.
- 900 million people are illiterate.
- 20% of the world's population lacks access to safe drinking water.
- 1 billion people live on less than US\$1 a day.
- 3 billion people live on less than US\$2 a day – 50% of humans.
- 250 million children work.
- 120 million children receive no schooling.
- 25% of humans live in absolute poverty.



Poverty: A human rights perspective

Wherever we lift one soul from a life of poverty, we are defending human rights. And whenever we fail in this mission, we are failing human rights.

Kofi Annan, United Nations Secretary-General

Poverty is the lack of power to access and control a resource base adequate to fulfil a standard of living consistent with a life with dignity at all times. The key solution to alleviating poverty is providing sustainable livelihoods to more and more people.

There is emerging global consensus that poverty is not just about lack of income. Rather, it is about the denial of human rights. No social phenomenon is as comprehensive an assault on human rights as poverty. Poverty erodes or nullifies economic and social rights such as the right to health, adequate housing, food and safe water, and the right to education. The same is true of civil and political rights, such as the right to a fair trial, political participation and security of the person. This fundamental recognition is reshaping the international community's approach to the next generation of poverty reduction initiatives.²¹

The most common definition of poverty goes:

Poverty: a human condition characterised by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.

Lack of income is a standard feature of most definitions of poverty. But this in itself does not take into account the myriad social, cultural and political aspects of the phenomenon. Many aspects of poverty, some of which are crucial to a human rights analysis, are not reflected in the statistical indicators.

A human rights perspective of poverty enables responses to poverty that promote rights, growth and development. This tightrope walk

is possible by ensuring the well-being of the most vulnerable and paying attention to the daily assaults on human dignity that accompany poverty. It is a positive agenda, building on what people have, complementing it with resources that enable them to have the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.

Over the years, the most vulnerable have been identified. At present they include women, indigenous people, refugees, stateless persons, detainees and victims of enforced disappearance, migrant workers, differently-abled, children and minorities. Those suffering from multiple forms of exclusion are considered more vulnerable.

The link between poverty and violation of human rights has been made many times. Father Wresinski, the founder of ATD Fourth World,²² proposed one early description of poverty from a human rights perspective in 1987:

The lack of basic security connotes the absence of one or more factors enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights. The situation may become widespread and result in more serious and permanent consequences. The lack of basic security leads to chronic poverty when it simultaneously affects several aspects of people's lives, when it is prolonged and when it severely compromises people's chances of regaining their rights and of reassuming their responsibilities in the foreseeable future.

Amartya Sen makes the fundamental link between development and freedom, stating that poverty is the deprivation of basic capabilities rather than merely as lowness of income.

The United Nations Committee on Economic, Social and Cultural Rights, in its statement on poverty, defined poverty as:

a human condition characterised by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the

*enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.*²³

Mary Robinson, UN High Commissioner for Human Rights forcefully declared that:

the link between poverty and the enjoyment of human rights is very clear and strong. The poor are denied almost all their human rights – the right to adequate housing, primary health care, education and food – not to mention the normal benefits of citizenship – fair legal treatment and access to justice, participation in the decisions that affect the poor, access to information and technology.

Exclusion impact: Caste discrimination Caste discrimination has been recognised by the UN Committee for the elimination of racial discrimination as discrimination based on 'work and descent'. Though a major part – 150 million of the 250 million – victims of this are in India, it is found all over the world.	
Country	Community
Bangladesh	Dalits
India	Dalits
Nepal	Dalits
Pakistan	Dalits
Japan	Burakumin
Nigeria	Osu
Sri Lanka	Rodiya
Caste-like systems	<ul style="list-style-type: none"> • Senegal • Mauritania • Madagascar • Mali • Guinea
Secondary infection	Regions with significant South Asian Diaspora such as <ul style="list-style-type: none"> • Eastern and Southern Africa • North America • The Caribbean • The United Kingdom • Malaysia • United States

Marginalised and vulnerable groups suffer multiple discrimination – called ‘intersectionality’, because where these forms of discrimination intersect, the oppression is heightened. Women are the majority of the poor, a fact recognised by the term ‘feminisation of poverty.’ They are over 66% of the illiterate adult population of developing countries. Minorities – specially indigenous peoples – are often excluded from decision-making processes that affect their lives, including questions related to access to resources and ownership of land. This highlights the importance of promoting equality in the full range of human rights, including civil, cultural, economic, political and social rights.

Poverty and exclusion

From a human rights perspective, people are poor because they are excluded. This position is lent credence by the sheer volume of surplus goods in the world today. The world now produces enough to feed all its citizens sufficiently every day. We have the technology, but millions still die from preventable disease. Having the means and capacity to eradicate poverty, yet having 50% of the human race living in poverty (less than US\$2 per day) and 25% in absolute poverty (less than US\$1 a day) is the surest indicator that poverty is a factor of power and exclusion rather than a factor of production.

Indications of exclusion

Loss of life and safety.

Loss of property, access to traditional sources of livelihood (of which land forms a major part).

Increasing food scarcity and malnutrition.

Suppression of cultural identity and education.

Increase in internal displacement.

Greater vulnerability to trafficking.

Increased feelings of humiliation and trauma.

Non-representation in decision-making or execution.

Their history is disparaged or even invisible.

Their language and culture are disrespected.

They are reduced to low paid labour, verging on slavery.

Their right to life with dignity is illegitimate.

Targeted for displacement for 'development' and 'environment conservation.'

Large divergence from national averages in HDI (education, life-expectancy, unemployment, shelter...).

The idea of exclusion has become the dominant paradigm in the discussion of poverty. Social exclusion affects individuals, groups, people and geographical areas. Social exclusion can be seen not just in levels of income, but also matters such as health, education, access to services, housing and debt. Phenomena which result from social exclusion therefore include:

- The resurgence of homelessness.
- Urban crises.
- Ethnic tension.
- Rising long-term unemployment.
- Persistent high levels of poverty.

The arguments about exclusion stress the multi-dimensional nature of the problems. The same case has, of course, been made in relation to poverty.

Why exclusion?

The state – in its initial form, and as the most charitable explanation – was to protect the resource base of a community. As the community grew, the resource base had to grow. So the territory of the state had to increase. In rather simple terms, this

increase brought with it the required material for the growth of the community. However, this 'community' did not include the people of the conquered territories. The territories were considered *terra nullius*, meaning that the land was without anything and therefore free for the taking. This concept was used in all the colonial wars. Indigenous territories were considered *terra nullius*, to be taken by the first European conqueror. It extended even to considering the natives' minds as empty and bereft of culture – *terra nullius* of the mindscape! The need for more resources led to the creation of systems, infrastructure and mindsets that would appropriate from others and exclude the natives and the less powerful.

Thus was born the cycle of resources – repression – rebellion that we still see today in most areas with the richest natural resources. The vicious cycle is because the powerful want to exploit the land and the people, and the people resist this exploitation, eviction and repression.

As with all systems, though built for appropriation from those external, the system began to have its devastating effects on those within its boundaries also – in many cases with more severity than on those outside it. So used to palming off a non-human status on outsiders, the English considered even their women as beings without souls even in the latter part of the nineteenth century!

Exclusion impact: Sexual minorities

Lynn Conway, Professor Emeritus of electrical engineering and computer science in the University of Michigan in the US is America's leading software mind. Conway did pioneering work at IBM as a man, and then was a leading researcher at Xerox –Palo Alto Research Centre as a woman. This is an impossible feat for other transgendered persons in a world that permits only two sexes – male and female.

Transgendering often means the total loss of identity. The birth certificates and other forms of identification all become invalid. They legally disappear. They cannot own property. They enter the most abusive forms of the black economy, often sexually servicing personnel from the law enforcement agencies who routinely harass them.

Legal and social laws criminalize 'intercourse against the laws of nature' in almost all parts of the world. Fundamentalist states, and those states who define themselves based on religion often specify in international conferences that rights are permissible only to 'the male and female sexes' – explicitly denying rights to transsexuals. Ironically, it is these same states that have the longest tradition of castration and then using the eunuchs to guard harems.

These laws were perhaps needed when the tribe had to survive and needed more babies. Perhaps, they were even needed when anything different was a threat to survival, when even to be left-handed was a threat to the social order (Sinister means left handed). But now these laws are no longer required.

Social ordering

Society is ordered so that in each system there is no waste. A system becomes unsustainable the moment it creates waste. So a community, as its consumption grows increases, its area of control for production and waste disposal (called its resource footprint). The area needs to be large enough to support it (called the carrying capacity), and for the waste to be fully degraded before the area needs to be accessed again for production.

In human relations, those in the less powerful strata are forced to absorb the waste of the powerful. They are the human waste absorbers. The more powerless the person or community, the more toxic the waste to be absorbed. Human consumption systems are constructed to make a smooth pipeline for this expropriation, where the powerful take the best and pass on the waste down the line. When people willingly accept this waste absorption role, then the systems function smoothly, and 'all is in harmony'.

Sequential expropriation: The slow strangulation process

Social systems that are based on an exploiting mode interact with other systems only to exploit and exclude others from benefits and their resource base. In this interaction, the exploiting society uses the other to become the waste absorber. The dominant one of the two also gets the best from the dominated society. It is a doubly beneficial relationship – it gets the best from another system, often something that it cannot do without, at a subsidised cost, and palms off its toxic waste.

During the 'cold war' days of the twentieth century, capitalism promised a better life for all and even created a welfare state to counter socialism and the communist bloc. With the collapse of the Soviet Union there was supposed to be a 'peace dividend' – a large transfer of funds for human well-being that was hitherto spent on war machines. Yet what happened was that war spending *increased*. The welfare state has been dismantled, and the state has transformed itself into a 'market state'. Social security nets have disappeared, the benefit of capitalism has been 'user-fees' for water and basic needs, and market-led globalisation has made the state unable to fulfil its social responsibilities. This was surely not the utopia promised with the demise of the 'evil empire'! At the micro-level too, the process is no different.

Initially, the people might see some increased benefits – more wages, welfare measures to 'ease their transition to the mainstream', aid or charity. But in the end, the result will be the same: they will end up as waste absorbers, because the dominant system cannot relate to them as equals, since it will defeat the very purpose of extraction of the best and expropriation.

Definitions of Social Exclusion		
Definition Class	Definition Title	Explanation
Processes	Conditions and Processes	Exclusion is both a state of being and a process of becoming.
	Multi-dimensional	There are different sources and different processes working dynamically to cause social exclusion.
	Connectivity	The processes and results of exclusion are joined-up and compound each other in a vicious cycle.
People	Social Relationships	The breakdown of social ties between people and a community that does not work, inhibits participation in society.
	The Excluded	Exclusion can be conceived of in terms of individuals, groups or society as a whole. However, it affects everyone.
Environment	Economics and the Labour Market	Exclusion is primarily from the labour market and stems from economic restructuring and a lack of risk-taking.
	Social Systems	Exclusion occurs with the breakdown of social systems: social, economic, institutional, territorial and symbolic.
	Resources and Prospects	Social exclusion is seen as either a lack of resources or a lack of prospects, and is, therefore, involuntary.
Towards a Useful Definition: Advantages and Criticisms of 'Social Exclusion' by Fletcher Farrington		

Land

The question of land is illustrative. The indigenous peoples homelands are not taken over at one go. To make the life of the indigenous peoples unviable within the area encroached by the forest department, the state resorts to a process of slow strangulation, a process of whittling. The method used has four distinct stages.

The first stage is '*we are all one*'. This seemingly inclusive phase is to exclude people from resources. The common idea is 'we are one nation' or religion, language or one family. Wealth of the marginalised is declared the property of the larger society. Global agreements, all drafted by the West, routinely talk of all biodiversity as 'global' heritage, while tightening controls in safeguarding their own property such as 'industrial' and 'intellectual' property.

Social systems from which people are excluded	
System	Sub-systems
Social	Family, labour market, neighbourhood, society, community.
Economic	Resources (wages, social security, savings, assets) market of goods and services.
Institutional	Legal system, education, health, political rights, justice, bureaucracy.
Territorial	Demographic (migration), accessibility (transport and communications), society (deprived areas).
Symbolic references	Identity, social visibility, self-esteem, basic abilities, interests and motivations, future prospects.
Towards a Useful Definition: Advantages and Criticisms of 'Social Exclusion' by Fletcher Farrington.	

In the second stage, there is a call to '*let us define your rights*'. The dominant define the rights of others. These rights are limiting. Now that the legitimacy to define and change rights has been gained, there is a steady whittling away of the rights of the dominated.

In stage three, it is made clear that *all residual rights are vested with the dominant – in most cases the state – as also the right to modify these rights*. This is the most insidious. All residual rights should vest with the people, rather than the other way around.

Stage four slowly creeps in, almost without us knowing what and how it happened. The rules are quietly changed, 'rationalised' till such time that all *rights become 'gifts'*. The justifications are many, but the core issue remains the same: the dominant have abrogated to themselves the power to suspend all rights of the dominated.

The slow strangulation process is operative not in land or land-related issues alone. It covers every part of the life and livelihood spectrum, including the abstract 'superstructure' such as religion and culture. Exploiting peoples first take over relatively unfilled spaces of the ones they want to subsume, and then claim sovereign powers over the entire community.

Exclusion overview	
Region	Community/social section
All over the World	<ul style="list-style-type: none">• Indigenous people.• Women.• Sexual minorities: Lesbians, gays, bi-sexuals and transexuals.• Children.• Labour.• Differently-abled• Physically or mentally challenged.• All under occupation: Palestine, West Papua, Aceh-Sumatra, Native Americans, Bougainville, north-east of India, in the north-east of Sri Lanka, in Tibet, Kashmir, Bhutan, and Mindanao and West Papua, Kurds, Basques...• Minorities (ethnic, religious...).• Displaced persons/Refugees (internal or external).• Asylum seekers.

	<ul style="list-style-type: none"> • Detainees and victims of enforced disappearance. • Migrant workers.
Afghanistan	<ul style="list-style-type: none"> • The Taliban particularly targeted the women in Afghanistan. They were subjected to a complete denial of their most basic human rights such as the right to work, education and travel, and targeted for particular forms of violence in the name of religion. Even the change of regime has brought but a marginal relief, since these are deeply ingrained social laws.
Tibet	<ul style="list-style-type: none"> • Under occupation, suffer double discrimination as discriminated and marginalised religious minorities as well as people suffering under foreign occupation. • Cultural annihilation of the Tibetan people, through a systematic attack on their monasteries and severe restrictions on the age limits for monks to serve. • Monocultural and hegemonic practices through the school system and other state institutions curtail the religio-cultural freedom.
Indonesia	<ul style="list-style-type: none"> • The state does not acknowledge the rights of indigenous peoples to their lands and resources, and to provide just and adequate compensation where these rights are violated and denied. • Discriminatory laws deny or limit the right to self-determination of indigenous peoples.
India	<ul style="list-style-type: none"> • Religion-based chauvinism. • There has been a collapse of the criminal-justice system in punishment of the guilty – be they civilians, police officers in uniform or other law enforcement officials. • Dalits (Untouchability, in addition to others). • Progressive constitution hides apartheid.
Pakistan	<ul style="list-style-type: none"> • Religious minorities in Pakistan are marginalised, persecuted and disenfranchised.

	<p>chised through various forms of statutory and structural discrimination.</p> <ul style="list-style-type: none"> • The system of separate electorates keeps religious minorities politically, economically and socially disempowered. They are debarred from holding a number of public and judicial offices. • The Ahmadiyas are prohibited from professing, observing and preaching their faith under pain of severe punishment.
Nepal	<ul style="list-style-type: none"> • Nepal does not recognise its multi-religious composition. • It does not grant the minority religious communities their basic human rights, including socio-cultural as well as their political rights. • Minority religious communities cannot purchase and own land for building their religious and educational institutions, places of worship, burial grounds, etc. • Festivals for the religious minorities in Nepal are not included in the list of official, government holidays. • Government jobs are not open to all peoples living in Nepal without discrimination. • No official recognition of the languages and cultures of minority communities.
Bhutan	<ul style="list-style-type: none"> • Implementing the 'One Nation One People Policy' of 1990, the Royal Government of Bhutan has rendered more than one-sixth of its population refugees. • It has curtailed the cultural expression of the Nepali speaking Lhotsampa population in the south. • The census policy of 1988 revoked the right to citizenship of tens of thousands of southern Bhutanese citizens. • Religious freedom of the Sarchhops or the eastern Bhutanese people has been suppressed.

	<ul style="list-style-type: none">• The government resettles northern Bhutanese people on lands belonging to the refugees. This deprives these people, upon repatriation, the right to restitution of their ancestral/original lands and other property.• Racial discrimination in employment, social welfare, education and health.• Forced retirement of Lhotsampa and Sarchhops civil servants.
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Humanity

The consequences of poverty is as great on the human person and the human body.²⁴ The powerful get work done as far away from them as possible – sometimes even in a different continent.²⁵ Poverty thus becomes a factor of how far removed actual physical work, and how far all labour is removed from the body. For the rich, it is often even out of sight. For the less rich, it is to do mind labour. For the poor it is to do physical labour – the stage of actually, physically, getting their hands dirty. They beg. They steal. They survive – for life must go on, even if their life sustaining systems are criminalised. As poverty tightens its grip on the poor, they are forced to do more and more demeaning, and more and more ‘dirty’ jobs.

When even that is not possible, they have let the ‘work’ enter into their bodies – become sex workers or manual scavengers or breathe the toxic fumes. They also have to give up to the ever demanding struggle for survival the past and future generations – their dependents – whom they are bound to nurture (if children) or support (if elderly) and protect. This leads to child labour, elderly people working till they literally drop dead, women forced to work outside the home in addition to all the work within. When poverty becomes acute, poverty is inherited through generations. They borrow in the present, and repay in the future with their

produce/labour or with themselves and their children. The money is used for handling crises most often, usually in restoring previous survival positions.

By the time the poor become the 'absolute' poor, they lose any semblance of humanity in the eyes of the formal and informal institutions. They are referred to by the name of their tools of work. They are bought and sold. They can – and are – separated from their families at will.

Country	Community	Comments
Bangladesh	Jumma, Garo	Very marginalised, no representative parties for Garo.
Burma	All non-Burman ethnic groups	'Ethnic' issues.
Cambodia	Khmer	Land laws are a little positive.
India	About 700 groups	Lack of citizenship and land rights; armed, forcible assimilation.
Japan	Ainu	Fairly organised, can bargain with the government. Recorded land 240,000 hectares. Useable land [due to exclusion] 80,000 hectares.
Nepal	About 100 groups	Only 61 are 'recognised.' No linguistic rights.
Philippines	Palwan, Cordillera	Women's networks are strong so mitigated to an extent.
Sri Lanka	Wanniyalla Aelto	Access to forest, 'Veddah' tourism.
Taiwan	Highland dwellers	Not organised. 'Reservations' and dams take away land and rights.

Thailand	Hill tribe people	Lack of citizenship and land rights. Passes for travel.
Botswana	San	Extreme poverty.
Botswana	First people of Kalahari, San, Bushman	Exclusion from game reserves.
Congo (DR)	Kavu, Batwa	Displaced and expelled in large numbers by militia.
Kenya	Oromo, Boran, Gabra	Allotment of labour for colonial farms, casual liaisons, extreme patriarchy; British and US military training.
Namibia	San	Extreme poverty.
Rwanda	Batwa	Difficulties in access to education.

Social Exclusion – Definitions, Issues and Policy Responses		
Title	Definition	Issues Raised/ Policy Responses
Condition	Social exclusion is a condition of common fate and an outcome. It is the state of being excluded.	It is useful to recognise the state of exclusion as, itself, a factor in the exclusionary process. It also validates spatially oriented policy that targets the results rather than the causes of exclusion.
Process	The majority see social exclusion as the process of exclusion.	The processes of exclusion are complex, difficult to identify and redress. Here any policy will go to the cause of exclusion rather than the results.

Relational	Exclusion can be defined in terms of relativity; people are excluded from something.	Identification of the multitude of opportunities and facilities from which people are excluded may have further exclusionary results. This 'condition oriented' definition also ignores cause.
Agency	The process of exclusion requires the act of an agent or agents. It is something that is done to people by other people.	Identifying the culprits of exclusion can provide a convenient scapegoat for government. The responsibility for exclusion and its solution can be passed on to the responsible agencies. It is also a process-oriented definition; therefore, solutions go to cause rather than effect.
Multi-dimensional	There are different sources of deprivation and different processes that enable it.	While multi-dimensional can be equated with vague, the flexibility that this form of definition permits is widely recognised. Effective solutions will reflect this multi-dimensional nature of social exclusion.
Dynamic	Social exclusion is a multi-temporal and dynamic process.	The differing time scales of exclusion must be identified as indicative of different causes and, therefore, different solutions.
Connected	The various causes are connected.	This is a weaker definition that refers to mere relationships. Policy must be assessed on the basis of its effects on other policy instruments and on all groups in society.

Cumulative	The various causes compound each other.	As the causes and effects of social exclusion are joined-up, policy to redress social exclusion must also be joined-up.
Vicious cycle	Not only do the various causes of exclusion compound one another, exclusion itself is factored in as causative.	This definition represents the true value of the concept of social exclusion. The identification of exclusion itself allows for exclusion specific policy to be implemented, in addition to policy which addresses the other causes and effects.
Social relationships	Social exclusion is the breakdown of social ties and bonds; the absence of social capital.	Exclusion must be seen in positive terms of participation rather than isolation, with policy oriented towards achieving greater participation. Policy can promote community and social capital rather than being spatially oriented through neighbourhood strategies.
The excluded	Social exclusion defined on the basis of the people, groups or society that is excluded.	Exclusion affects the excluded and those who are not. Groups can be subject to blame and their mere identification can lead to further marginalisation. Policy must identify exclusion and its effects on everyone.
Economic	Exclusion is the result of economic restructuring.	Changing modes of production and the resulting economic changes must be identified as both the causes of social

		exclusion and of the inequalities between all groups in society. The plight of excluded people cannot be left to the vagaries of the free market and inherent inequalities must be redressed.
Labour force	Social exclusion has been equated with exclusion from the labour force.	Paid work must be adopted as the route back to full inclusion.
Social systems	Social exclusion results from the failure of social, economic, institutional, territorial and symbolic systems.	This systems approach draws attention away from purely material aspects of deprivation. The identification of complex systems creates difficulties in the identification of exclusion and suggests complex and multi-dimensional policy solutions.
Resources	Social exclusion is defined as the lack of resources.	Solutions must be more than the mere identification of the multitude of resources that are lacking, as this can have exclusionary effects
Prospects	Social exclusion is defined as a lack of prospects.	This definition has undertones of helplessness and suggests inevitability, and an impossibility to redress the problem. Social exclusion must be perceived as a dynamic process. Policy must create prospects through the provision of resources.
<i>Towards a Useful Definition: Advantages and Criticisms of 'Social Exclusion'</i> by Fletcher Farrington		

A continuous process

The continuing struggle to even protect the gains of gender equity shows how precarious rights are. It is also a good demonstration of why any right – even ones like gender equity with considerable global support – cannot be taken for granted. It has to be specially protected against continuous assault – even at global summits. Even today, matters of reproductive health are legislated based on outdated modes of morality.

At the World Summit on Sustainable Development, 2002, there were sustained effort by the United States, Vatican and other theocratic states to rollback on women's rights from language approved by the UN conferences in 1993, 1994, 1995, 1999 and 2000.

As it stands, the document now supports actions to promote equality for women; eliminate violence and discrimination against them; and improve their status, health and economic welfare through equal access to economic opportunity, land, credit, education and health care services.

The chapter on health calls for strengthening countries' capacity to deliver basic services for all and promote healthy lives, including reproductive and sexual health.

Health service delivery, the plan states, should be 'in conformity with human rights and fundamental freedoms' and consistent with national laws and cultural and religious values. The human rights reference was included after behind-the-scenes negotiations in the final hours of the 10-day conference.

This is a reaffirmation of international consensus agreements, notably the International Conference on Population and Development's endorsement of the right to reproductive and

sexual health, encompassing access to family planning information and services, safe motherhood, prevention of sexually transmitted infections, including HIV/AIDS, and elimination of sexual coercion and violence.

Conservative delegates fought to keep a reference to human rights out of the list of elements that the document said should be considered to provide health services to women. Without such language, the document would have named only 'cultural and religious values' as considerations, leaving countries free to continue such practices as female genital mutilation or denying health care to women as cultural values.

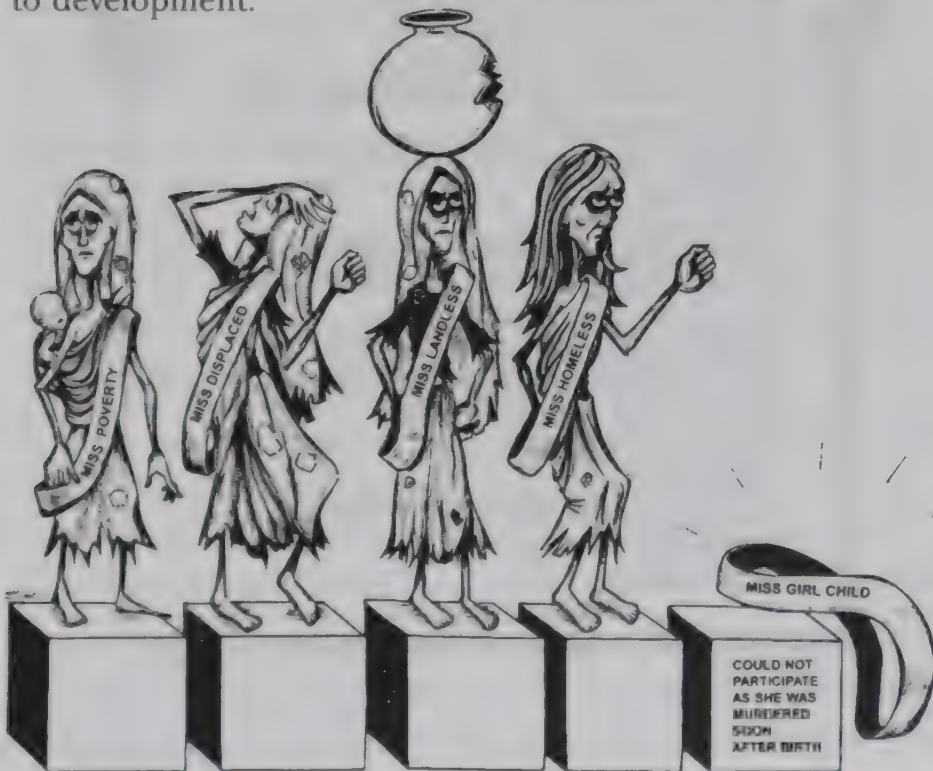
Delegates from South Africa and Barbados were among the strongest advocates for including the human rights phrase in the draft document's Paragraph 47, which describes elements that should be considered in providing health care for women as part of promoting sustainable development. Canada and European Union states successfully added in a reference to 'human rights and fundamental freedoms' alongside an existing phrase saying people should have access to medical services consistent with 'cultural and religious values.' They had argued that without it, women could find human rights to contraception and abortion denied them.

The most vocal opposing delegates included several from Egypt and Argentina. They also took out 'all' in front of 'human rights.' Eternal vigilance is truly the price of freedom.

Women's rights provide a good example of morality and geography even in a small island like Ireland. In the Republic of Ireland (a part of that small island), abortion is illegal. Walk across the border to Northern Ireland and it is legal. Similarly, some religions and countries allow women serial monogamy (such as the west). Others

(such as India) deny that right to women, making remarriage of even widows – though not widowers – practically impossible. The Cham in Vietnam, and most indigenous peoples, are enlightened enough to value all children – with or without marriage. Then rules of chastity, purity and impurity are attributed to these purely social and biological functions. It is difficult to believe that a woman who remarries is less chaste than a woman who does not – though in many parts of the world it is still so.

Securing the full, active, free and meaningful development of excluded groups means recognising their rights in law, policy and practice. In reality, however, such groups are often under-represented, or not represented at all, in political structures and processes. Getting them into the political structures and processes at significant levels is a key objective of the human rights approach to development.





DON'T GO OUT ALONE AT NIGHT
THAT ENCOURAGES MEN.
DON'T GO OUT ALONE AT ANY TIME
ANY SITUATION ENCOURAGES SOME MEN.
DON'T STAY AT HOME
INTRUDERS AND RELATIVES CAN BOTH RAPE.
DON'T GO WITHOUT CLOTHES
THAT ENCOURAGES MEN.
DON'T GO WITH CLOTHES
ANY CLOTHES ENCOURAGE SOME MEN.
AVOID CHILDHOOD
SOME RAPISTS ARE TURNED ON
BY LITTLE GIRLS.
AVOID OLD AGE
SOME RAPISTS PREFER AGED WOMEN.
DON'T HAVE A FATHER, GRAND-FATHER,
UNCLE OR BROTHER.....
THESE ARE THE RELATIVES THAT
MOST OFTEN RAPE YOUNG WOMEN.
DON'T HAVE NEIGHBOURS
THESE OFTEN RAPE.
DON'T MARRY
RAPE IS LEGAL WITHIN MARRIAGE.
TO BE QUITE SURE
DON'T EXIST!

(COURTESY: LONDON RAPE CRISIS CENTRE-GUIDELINES ON HOW TO AVOID RAPE)

Integrating a human rights approach in development

We now pull together the human rights approach and development into an integrated whole, looking at the value added. Some of the questions that will be explained include:

- What are the objectives of a human rights-based poverty eradication programme?
- How can human rights be secured for the excluded?

Including the excluded requires addressing the causes of their exclusion systematically. Inclusion can only be on the basis of equality – of resources and of power. Restoring access, benefit and control (the ABCs of empowerment and poverty eradication) over this resource base requires a process of empowerment. The process of making powerful individuals and communities is elaborated. This chapter therefore looks at:

- Why empowerment is a prerequisite for poverty eradication.
- The components of this empowerment process.
- What the expected backlash and reaction can be.
- Why social justice and internal democracy are non-negotiable.

While there is a recognition that poverty reduction can be seen as a development strategy for fulfilling basic human rights – covering the full range from civil and political rights to social, economic and cultural

rights – the development rhetoric on poverty reduction in recent years has shifted its emphasis from ‘basic human needs’ to ‘basic human rights’. The basis is that people have a right not to be poor. By taking on board notions of rights, development work may have to balance between ‘what can be done for people’ and ‘what should be done to people’.²⁶

What appears to be initially the most promising approach for ‘what should not be done to people’ relates to the ‘do no harm principle’. The right not to be poor includes the right not to become poorer. As for human rights norms, they would be applicable to situations where a state is responsible, directly or indirectly, and can be made accountable.

There is an international consensus that no development programme and project can be justified if it is known that, as a consequence, some people will be made worse off.²⁷ The notion that it is politically and morally unacceptable to cause further poverty as a means, even temporary, to achieve a development goal, is tantamount to formulating people’s rights to protection of their quality of life. Development induced deterioration of living standards is not acceptable. But how can the adverse impacts of development be avoided or minimised? The answer is: by establishing a human rights approach to development.

From exclusion to inclusion

If your fists are weak, you can use them only to wipe your tears

Korean proverb

Gran neg fe sa li vle; ti neg fe sa-l kapab. (The big guy does what he wants; the little guy does what he can)

Haitian proverb

The international human rights system, while giving a legal and moral basis for securing human rights of all, is toothless. When states remain impervious to ‘naming and shaming’ then it becomes the duty of the citizens to claim these rights, though the

state would term such claiming of rights as 'rebellion'. As Thucydides said about a couple of millennia ago: *the question of justice only enters where there is equal power to enforce it. The powerful extract what they can, and the weak grant what they must.*

As the President of the World Bank says:

*We have to get over the notion that the poor themselves are the object of charity. The poor themselves are, in fact, the strength of the solution. The issue for us is empowerment. The issue for us is inclusion. The issue for us is to ensure that poor people reach their potential.*²⁸

The international human rights enforcement machinery remains weak. Even gross violations of human rights do not attract sanctions – provided they are not international, and even then only selectively. The UN depends on the principle of 'naming and shaming'. Naturally, this is not sufficient for people suffering at the grassroots. People must be strong enough to claim their rights locally. This involves creating powerful people in an empowerment process and institutional mechanisms to sustain this empowerment.

Empowerment thus becomes the prerequisite for poverty eradication, inclusion, and sustainability. Empowerment is the creation of strong institutions and peoples who can claim their rights – can access, benefit and control a resource base sufficient for a life with dignity. It is an integral part of a 'rights-based approach'. The approach balances respect for the vulnerable while not romanticising them. Work from their strengths, build on these, complement with solidarity.

When exclusion becomes a deciding factor in life, self-respect and self-determination, become issues of grave concern. Clear understanding and clear commitments are required to deal with

them. Innovativeness helps create spaces for change with the 'least conflict.'

The bases of exclusion are many – race, class, colour, sex, gender, language, national or ethnic identity, caste, descent, occupation, 'untouchability,' religion, social origin, disability, sexual orientation, diverse gender identities, age and innumerable other factors. One option is that there be a charity approach, where the people continue to live as they are, where they are, by grace. The other is to ensure that they can become equals, and have a life with dignity. For the second option a process of climbing out of waste absorption and charity space needs to be designed

The reality is that exclusion is a factor of power. Therefore, restoration of power and rights and redressing the imbalance the key to inclusion. For inclusion into the global village there needs to be interaction based on equality and mutual respect. This equality and respect come only from an equality of power. The task therefore is to build the power, 'empower' the marginalised, being fully aware that their attempts to climb out of their waste absorption roles increases levels of repression and violence.

What is 'empowerment'?

Empowerment is to make powerful, to make full of power. Empowerment has many different facets ranging from the political to economic, social, and cultural. The intervention to make a marginalised community sustainable can start in any of these, bringing in the others at appropriate times. Ultimately, the empowerment process has to have all these components. It is possible through a systematic, multi-faceted intervention.

There are difficulties, as experiences from the field demonstrate. The poor have very short-term goals. There is a compulsion to address these goals first, leading to a dichotomy. People whose

goals mostly centre around tomorrow cannot even think of long-term. But if the long-term is not addressed, there is a danger of not being able to empower the people and to create independence.

Once done, the rewards are many. The creation of an internally just, powerful community brings with it many benefits – not least of which is its ability to support others to become powerful. Powerful communities are sustainable communities. Inclusion, sustainability, environment conservation, social justice – all converge in this process.

Empowerment is a rope not a chain

There are many components to making a powerful community. All are important. But the absence of one, or even a few, does not mean that a particular intervention is not sustainable. Instead, only that it is vulnerable to that extent. Extra strength in one area can help cover up weakness in another. The analogy for the relationship of the components of power is not links in a chain – break one and you break it all – but strands of a rope. The more strands in a rope and the tighter they are woven, the stronger it is. The more elements present, the more powerful the community.

Power

Power has three components: might, material (resource base), and mind (ideas, ideology and information). Power is always to access and control the resource base. Might is provided through organisation, and access to political power, which in turn can order the state – the most organised armed force, and the only institution authorised to use overt physical violence – to come to their aid. Might is created by numbers, by community cohesiveness, networking and alliances.

Might translates into political power, material to economic power and mind to social and cultural power. Political power is got through resistance – asserting the right to retain the fruits of labour; economic power through reconstruction, enhancing the resource base to adequate carrying capacity; and social power through ideology, internal rectification, by removing internal inequalities and disparities.

There are two broad streams, both to be pursued simultaneously, for changing power relations. One is to build up the life affirming systems of the oppressed and, the other, to break the hegemony of the oppressor, to destroy the other group. There are several means to do so, depending on the circumstances. In brief, for the survival of a group, both ideological and physical well-being is necessary. If the private structure of a group is weak, it cannot survive ideologically, and it *decays*. The individual structure of the group is wiped out and the group is *destroyed*. If the individual structure is strong, the dominant destroys the major group structure in a process called *disruption*. For each of these, there are particular strategies. All these are instruments of psychological warfare. It underscores the need for cross sector alliances. The quest for social justice is – as all other power plays – a war. And there is no reason to assume that all instruments of warfare will not be used.

Power is not a static, or a permanent, condition. What is powerful at one point in time or in one place need not be so in another. It requires constant action and reflection. Dynamic processes cannot have static responses. The fundamental requirement for a powerful community is that the locus of power lies within it. It means that social, political and economic power, in the long run, has to be a part of the in-built capacity of the people. The initial provocation, leadership or support may be external, but not for long. In the long term there is a contradiction between being powerful and dependence.

The 'R's of power

Literacy involves acquiring skills in the three 'R's. Building powerful communities, being a slightly more difficult process, involves four stages. The community will go through a relief – resist – reconstruct – rectify processes. It will go through progressive needs of survival, sustenance, self-esteem and finally assertion of rights. This is not a linear process. The result of this process is higher standards of life with dignity for an excluded population.

Relief

First, if the community is on the edge of survival, the people may have to be brought from survival to sustenance through a welfare programme, but this should have a strong component of awareness of the political situation.

Resist

Once the community fills up the charity space of 'relief' provided to it by society, there can be a backlash. Once this backlash is overcome, then the community can go along a road to political empowerment – which includes participation in formal governance, or else it is like making a 'successful sale' without getting paid. It should take back control over its resource base – including the right to be human – that is illegally and immorally denied to it.

Reconstruct

The focus then shifts to building platforms of strength, so that the community does not revert to the pre-intervention phase. The resource base should be strengthened so that the basic rights of all can be fulfilled. This includes a natural resource base with enough unpolluted land, water and air to support the community. Education, so that literacy levels improve and the skills needed to be productive in the global economy, are gained. Health, both

preventive and curative, housing etc., in effect, everything that the middle class takes for granted.

Rectify

The strength of the poor lies in their numbers. These numbers – women and men – will not remain united if the benefits are cornered by a few. And if the benefits are used to reinforce unequal status quo within the group, for how long will the internally marginalised remain to contribute the numbers? The weaker sections will not continue to participate in a forum where they are the cannon fodder. The new community must rectify internal injustice and inequality. Oppressed communities also oppress those within them. The community needs an intense process of internal rectification so that the justice demanded from the outside world is made present within it – be it in terms of age, religion, gender, caste or class.

Gender equity is at the very top of any internal rectification process as the first and primary objective. Where forms of oppression intersect, oppression multiplies. Women are discriminated against as women (gender) and as poor (class). The poor are not homogenous. Here differences come to play. There are inherent contradictions in the 'movements'. Identities are promoted for solidarity, and majority creation.

In most countries, the clan and community identity provides more solidarity than gender. Oppressor community women have always sided with their men – sometimes silently, but often actively. They do not hesitate to use the numbers of the oppressed women for protests to protect their own interests, though these issues are of marginal or little relevance to the oppressed women. For the oppressed women who are sexually abused on a daily basis the immediate issues are different.

This position places tremendous stress on the women who suffer from multiple forms of discrimination. Solidarity outside gives way to gender oppression within the household. The frequency and intensity of violence is more within the identity rather than from outside. On a regular basis, there is more frequent and more immediate violence by in-identity men on these women. Access to and control over resources is not equal. There is discrimination in access to food, control over the body and decision-making. Their leadership is denied or marginalised. This adds to stress levels. Despite all this, the identity that gives most security for the oppressed is within the clan and community identity rather than the gender 'woman' identity.

Every oppressed individual or section has the right to choose an alliance that will best help in liberation. This alliance must be based on unemotional analysis and strategic planning, taking into account not only the 'natural allies' or those whose interests best coincide with theirs. One key aspect needs to be factored in: through history, who has demonstrated and provided help and solidarity in times of crisis? Invariably, for women with multiple discrimination, that alliance is within their clan or community.

To address their concerns, each of the vulnerable and potentially vulnerable sections within the coalition need to express these concerns in the common forum. This will not be possible due to internal group dynamics and customs that prevent this. For instance, women do not speak of their needs when their husbands are there – and gender injustice and inequality are the most pervasive. In such cases, separate forums need to be created for each section, as also collaborative space. This needs to be along the lines of age, gender and caste.

There is a danger that men could monopolise the entire 'common' space if women are organised separately. Should women not have separate space to organise first? Should they be only empowered to move into common space – so that the threat of men keeping them off 'common' space does not arise? The traditional way was to either deny that there was gender discrimination within, or to include all the women in a 'women's movement'. This contradiction has to be addressed. That is the plight of the black women's movement in America: *all women are white, all blacks are men.*

This rather poignant saying demonstrates the invisibility of the more marginalised even within the marginalised. The space for gender justice – and therefore its restitution – has been fully occupied by the white women. The space for racial justice has been monopolised by the black men. This totally pushes out the black women, who need to find a new idiom to get their concerns addressed.

Internal rectification should be rigorous enough to enable each individual to identify totally with the group. It should not be possible for any external group to be able to fulfil any need of an individual or sub-group better than the community. This process should be a conscious continuous effort. Internal rectification is, in itself, a very powerful process. It increases the 'pull' factor of a group tremendously. Any issue or crisis can bring people together. Internal rectification is important for staying together in the long run. Creating a new empowering identity is an important part of the road to self-respect – whether it is as 'labour' or 'indigenous people.'

Human rights defenders and development practitioners cannot afford to ignore the internal ordering and oppression within identities. This internal oppression must also be simultaneously addressed and not ignored 'till the revolution comes'. This calls

for a 'targeted approach' where the focus is on creating leaders from the most oppressed – always monitoring their numbers and percentage in contribution, benefits, membership and leadership.

Rights and solidarity

The rights and solidarity based approach is an inclusive process. Work can be with practically anyone, based on certain values, prime among them being non-discrimination and solidarity. It affirms that development is a right of all people. For instance, development is not a gift that men 'give' women as charity but is inherent in women. Early childhood care and development is not a 'gift' of adults to children. It is the right of every child. Similarly for other excluded and marginalised sections of our society.

There will need to be *solidarity*. There can be work with diverse social and economic strata, up to and including 'rich' men and women. But this must be to create solidarity with the grassroots processes, and to promote and embed the democratic consciousness in them. There are many men who are poor, and even poorest of the poor. But all such work will be so that these men will also promote gender equity and justice – while meeting the basic needs of such men. For instance, if a programme works with men, then these men will need to promote the human rights of all. These men cannot beat their wives. If a woman is beaten up, men cannot say that it is a women's issue and not express solidarity. Those in micro-credit unions cannot say that the issue of wife-beating is not related to micro-credit, and not address it.

Similarly, if indigenous people have a problem, others cannot distance themselves by saying it is an indigenous or ethnic problem. The identity to claim support should be the one to express solidarity also. If they claim services as 'all poor' then when there is an issue, there should be solidarity as all poor. If

they claim money and resources for economic mobility, this needs to be done from the basis of also having a democratic mindset. It cannot be to retain and reinforce patriarchy from a position of strength. This economic mobility – got with solidarity from contributions that are for social development – should be on the basis of values.

In short, while the programme itself can meet the material needs of men, inculcating a democratic consciousness – specifically one of gender justice, and non-segregation – is an integral part of any rights-based programme. If the men so covered do not support a process of gender equity then the right of the women to gender equity will be the priority and supersede the right to development of men. There cannot be support for the basic rights of men at the cost of the basic rights of women. By all accounts, the poorest of the poor, and the most marginalised, are the women. Even among the women, the most vulnerable are those from the marginalised communities, often the indigenous people from the lower economic strata. To be in solidarity with the poorest of the poor and the most marginalised, work must tangibly benefit them. This includes looking at and defining issues from their perspective, bringing them into leadership, and helping to make their worldview a reality.

No form of discrimination – gender, caste, class, race, ethnic – can be practiced or ignored at any level including the grassroots. There needs to be conscious effort to eradicate it. ‘We don’t practise it in our organisation’ cannot be an excuse. It must be consciously addressed and eradicated in the programme area and definitely eradicated within the core-constituency.

Building institutions of the poor

The poor need their own institutions. These institutions help them interact with institutions of the state. The institutions of the poor

need to be within their capacity to manage and control. Since the option of weak institutions does not exist, this means a simultaneous programme of capacity building.

While solidarity of the powerful is legitimate, the solidarity of the dominated is illegal and delegitimised. Support infrastructure needs to be restored or built to create a critical mass to counter the dominant. This means a critical mass that can control the state, the market, and an adequate natural resource base. It requires creating empowering ideologies and structures to propagate and embed these ideologies. As many experiences prove, it is well within the solidarity of the excluded. It only requires the creation of infrastructure and constructing the requisite mindscape.

This implies a process of creating space – in the community, in ActionAid, and within its supported groups – for the exercise of acquired capacity. Training for leadership is to be followed by exercise of this leadership within development organisations and community organisations, training for government followed by contesting and winning political power at the elections. Capture of power by organisations and institutions of the marginalised is an empowerment objective.

Reaching the logical critical mass

Social reality has meant the fragmentation and stratification of the oppressed. Consequently, the better off and better-educated sections of the oppressed sought to deny their identity. This prevents any concerted action. Though there are many struggling for social justice the viciousness of oppression makes individual survival the prime objective. They need to be brought together for a critical mass to impact on polity. Individual efforts, no matter how good or sincere, cannot change the normative base of social ordering or relationships.

The critical mass in any given situation is the consolidated power – of people or material – required for the particular task, to enforce change in the direction favourable to the poor.

Macro institutional issues

The World Bank

In each country, the nature of property rights, subsidy arrangements, and regional investment policies have important implications for social equity and inclusion.

Blockages to equitable access

The poor and vulnerable groups (women, youth, and older people) who are intended beneficiaries of project initiatives may encounter difficulties in accessing project resources. The reasons are various: formal and informal institutions, local customs, inter-group relations, social institutions (family, kinship groups, tribal or ethnic affiliations), formal and customary laws, information, communications systems, and others. In some cases, formal and informal institutions mutually reinforce exclusionary practices and deny minority groups access to goods and services. In other cases, formal institutions counteract traditional exclusions although their social acceptability may meet resistance for sometime. Therefore, it is important to analyse the institutional basis of exclusions.

Strengthening institutional capacity

Local-level and informal rules – norms, values, and belief systems that shape the attitudes and behaviour of social groups – may affect inclusion processes. Entirely new institutional structures may be needed to overcome them.

An important element of participation of stakeholders is the issue of cost sharing. The ability and willingness of different social groups to pay part of project costs as well

as the behaviours they reveal regarding these burdens play a key role in the design and implementation of development initiatives. Often, powerful social groups that are able to pay do not do so. Rather, they exert pressure on the governments to subsidise their operations while those who are in need of government assistance are left alone to cope with their limited means.

Engaging and rebuilding the state

Global solidarity is vital in a world of global markets and hegemony – especially with identity politics used to delegitimise solidarity. Appeals to identities are for solidarity. Terming it a ‘family’ issue hides the massacre of women. If it is brought out, it is suppressed by using any identity possible – ranging from family to language, caste, religion or nationality – to enforce loyalty and silence on the victims, reinforce their powerlessness, disempower and isolate them. At the same time, the identity chosen is narrow enough to exclude those who offer solidarity and will delegitimise external support or justice. The state listens to the ‘voice of the people’ only in certain predetermined rituals. A major success of the state is that it is able to define the space, mode and scope of protest. Protest outside these boundaries is declared illegal (and many people equate illegal with illegitimate!) and the persons involved are summarily excluded from social interaction, sometimes permanently.

However, there is a need to engage the state. It is not a question of one form of government or another. *It is rather a question of the type of governance that ensures the realisation of SEC rights.* In human rights terms, a respected and responsive monarchy that delivers entitlements to an empowered society is more legitimate than a head of state from a dubious presidential election, such as the one in the US in November 2000 or the 100% votes in one party one candidate elections.

In the current debate – which is led by business – the negative role of the state (particularly relating to restrictions and controls) has been given much prominence. What is important to stress, however, is the positive role of the government in developing and implementing public policies relating to the provision of education, health care, land distribution and other social and economic entitlements. Positive interventions by governments can bring about rapid changes in living conditions. The state provides the local standards for expected, anticipated and ideal behaviour. Once this behaviour is in tune with human rights, enforcement and fulfilment follow.

The relationship between the state and human rights defenders is complex – often that of a terrorist and hostage, with both sides accusing the other of being the terrorist. The role of human rights defenders and promoters is to be impartial watchdogs. This means being in constant close interaction with the government, without compromising impartiality or willingness to take on the government. In cases of addressing human rights violations, the legitimacy of human rights defenders is often compromised if there is even a suspicion of being too close to the state.

The restoration of rights requires a close human rights defender – state relationship, specially for the fulfilment of the rights where the resources and infrastructure rest with the state. This is a difficult judgement call, best left to the field on a case-by-case basis, without external judgements.

Strata and strategy

Depending on where the community is placed on the ladder of access and control over resources – survival, sustenance, security or self-esteem – the state permits different forms of dissent and choice.

Social strata	Resource level	Sustainability level	Change mode	Change process
Absolute poor	Survival	A day or less	Mass struggle	Relief
Lower class	Sustenance	The present	Campaigns	Resistance
Middle class	Security	One generation	Advocacy	Reconstruction
Upper class	Self-esteem	Two or more generations	Lobbying	Rectification

The state is less responsive to the calls for change from those lower down the rungs. For instance, a letter from a person in the dominant hierarchy gets much more of a result than anything less than armed resistance from those at the bottom. Therefore, the only option for those at survival levels is a mass struggle – though even here there is emphasis on ‘peaceful and democratic’ struggles. Those at the sustenance levels (the lower class) can have campaigns. Those with security do advocacy, and those at the self-esteem levels do lobbying. For those at survival levels, they are even physically removed from the corridors of power so the question of being in the lobbies for ‘lobbying’ does not arise.

Long-term presence in an arena gives power to influence. It is important to understand these distinctions for positioning to make work for social change and inclusion – ‘empowerment’ – to be effective.

Monitoring human rights and change

Reporting on SEC rights has not been part of the reporting process of donor states to the various human rights committees. A rights-based approach requires location specific performance standards, with local civil society institutions. It must be integrated into the various national and international monitoring mechanisms.

The programme needs to be monitored in human rights terms:²⁹

- Does the state respect, protect and fulfil these rights?
- Is the core content met without discrimination, with adequate progress, participation and effective remedies?
- Is there secure access, through laws, norms, institutions and an enabling environment?
- Are the non-state actors fulfilling their obligations?
- What are the basic needs addressed, and are the basic services to access these rights provided?
- Does the process enhance the capacity of the people to claim and secure more rights?
- Does it create appropriate ideological and information frameworks for empowerment of the excluded, and space for action within the dominant structures?

Checking budget allocations, both of the government and the NGO. Monitor how much a rights-based approach gets the people in material terms. A rights-based approach cannot be all talk without returns. Returns must be monitored.

Using government documents and information is a good strategy. NGO and civil society information is, often justifiably, dismissed as biased and too often is slipshod, given to hyperbole. Dispassionate use of government data, analysis, demystifying it and putting it in context gives the necessary legitimacy and incontrovertible evidence – right from the horse's mouth. While the government does resort to falsifying information, by comparison of different government data and reports, it is rather simple for a trained researcher to discover these gaps. These then become potent tools. However, this is not to 'inform policy'. To inform policy the basic assumption is that the policy makers are not informed. Not so. They are. They do not

want to act on their information. That is where the ability to act, with or without the state – even in the hostile face of the state – becomes imperative. This ability is power.

Once this information is collected and analysed, specific *programmes and strategies* to access these resources should be designed. A review of how much of these resources were actually accessed over time – at least the medium term – should be monitored. Monitoring should be to keep track of the rights fulfilled, the needs secured, and the progress in empowerment: access, benefit and control.

Framework for assessing progress			
Period	Average perspective	Deprivation perspective	Inequality perspective
In a particular period	What is the national average?	Who are the most deprived? By: <ul style="list-style-type: none">• Income quintile• Gender• Region• Rural/urban• Ethnic group• Education level	What is the disparity between: <ul style="list-style-type: none">• Bottom and top income quintiles• Women and men• Worst-off and best-off regions and ethnic groups• Rural and urban• No education and higher education
Over time	How has the national average changed?	How have the most deprived groups progressed?	How have disparities between social groups changed? Have they widened or narrowed?
From Human Development Report 2000			

Management of risk

The rights-based approach is not without risk. Those choosing this path must be fully aware, and be prepared for the backlash that comes with any empowerment process. Power is never given, only

taken. While this should not deter from pressing ahead, it can be mitigated by careful preparation. It is important to know that the road to empowerment is full of roses with all the attendant thorns.

In change, things get worse before they get better. In the process of inclusion, there is an increase in violence and suppression. Abuse goes to even higher levels. The state becomes even more repressive. The following can be expected:

- Increase in violence and suppression.
- Abuse goes to even higher levels.
- The state becomes even more repressive.
- Their life and livelihood is made illegitimate.
- Systematic mass murders.
- Enforced disappearances.
- Gender based violence (specific targeting of women for war crimes, and crimes against humanity).
- Forced displacement of civilians.
- Scorched earth campaigns.
- Judicial and extra-judicial slaughter.
- Targeted for 'security reasons'.

These adverse impacts and reactions can be minimised by a good strategy of people power. Moving at the pace of the most vulnerable – listening to them and letting them decide the course of action – makes the risk negligible.

The value added

A rights and solidarity based approach has multiple advantages. It is based on clearly identified and articulated values, codified under internationally accepted law and voluntarily accepted by

states. It recognises the processes that create and sustain poverty, and the human agency to break free. It recognises the agency of the poor and supports them in change at the pace they determine. It provides space for action of the poor themselves, space for solidarity of the non-poor, clear duties and responsibilities for the state, and non-negotiable minimum standards and deliverables in social, economic, cultural, civil and political rights.

RBA moves beyond the 'hierarchy of rights' to address both the dynamic, ever changing process of poverty, while simultaneously addressing the vexed issue of intersectionality – multiple forms of vulnerability and discrimination that are more debilitating. This ensures that the entire gamut of poverty creation is addressed, but the more vulnerable who suffer more deprivation – a poor rural black woman – get more priority than a white urban woman, though the needs of both are addressed.

Rights-based approach brings the promise of more effective, more sustainable, more rational and more genuine development processes.³⁰

- They enhance accountability by identifying specific duties and duty-bearers in the development process. Development moves from charity to obligation, making it easier to monitor progress.
- They promote higher levels of empowerment, ownership, and free, meaningful and active participation, by putting beneficiaries in charge of development. Local ownership and participation are fundamental to sustainable improvements.
- Greater normative clarity and detail provided by the international instruments and the authoritative interpretations of treaty bodies and human rights mechanisms, which list and define the content of development, including the requirements

of, for example, health, education, housing and governance. International standards in the form of treaties, declarations, guidelines and bodies of principles are public and readily accessible tools describing in remarkable detail the institutional and developmental requirements of the various guaranteed rights.

- Easier consensus, increased transparency and less 'political baggage' in national development processes, as development objectives, indicators and plans can be based on the agreed and universal standards of the international human rights instruments rather than on imported foreign models, prescriptive solutions, partisan approaches or arbitrary policies.
- A more complete and rational development framework, with development sectors mirroring the enumerated rights of the human rights framework. While some sectoral development matrices have focused exclusively on selected economic sectors, the more comprehensive human rights framework provides guidance on all areas of human development, including health, education, housing, personal security, justice administration and political participation.
- Integrated safeguards against unintentional harm by development projects. There is no shortage of examples of harm caused by development agreements, projects and activities that have taken inadequate account of human rights concerns. Rights-based approaches include measures of protection organically incorporated in development plans, policies and projects from the outset.
- More effective and complete analysis: Traditional poverty analyses based their judgments on income and economic indicators alone. A human rights analysis reveals additional

concerns of the poor themselves, including the phenomena of powerlessness and social exclusion. A more thorough analysis yields better responses and better results.

- A more authoritative basis for advocacy and for claims on resources, with international legal obligations and national commitments empowering development advocates in their quest to have, for example, basic social services given priority over military expenditure, or sounding the alarm when 'progressive realisation' of economic and social rights stalls, is reversed, or is compromised by conflicting trade or adjustment agreements.
- They are much more cost effective. The government has the most resources. The rights-based approach helps secure a part of this to the most vulnerable. The quantum of the funds thus diverted is much more than what any external intervention can provide to the people as charity. This is perhaps one of the best-kept secrets of the rights-based approach.

A rights-based approach is much more effective and gives better return on investment even in the medium term. For every unit of currency spent, the direct returns are likely to be at least four times. Instances of up to twenty times have been demonstrated. This is difficult for a welfare approach, where direct returns can at best be 1:1. Rights-based workers tend to be more committed and are content to work for fair wages. Welfare workers need to be paid 'market rates' that rival, and sometimes surpass, host country corporate salaries.

A rights-based approach ensures that the people get everything that any charity based welfare or service delivery approach can give them. *In addition*, it demystifies the state and other institutions so that the poor do not continue as objects of charity but become

creators of their destiny. It stresses the fact that the state and other institutions are to serve and enhance the well-being of the people and not the other way round.

Here the process is crucial because a charity based service delivery approach is very disempowering and creates dependency. The process, which we have called the 'empowerment' process, will get them the same goods with the help of external facilitators the first time around. But the process will enhance their skills and experience so that they can at least continue getting these goods. In essence, a rights-based approach is a 'development plus' approach.

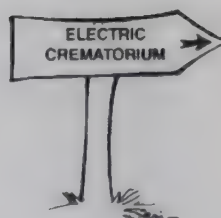
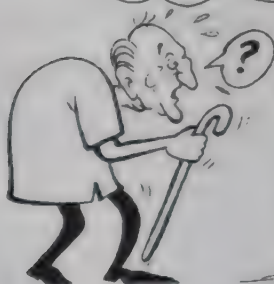
A rights-based approach removes people from poverty and enables them to stand on their own feet. It frees them from the burden of gratitude brought on by a welfare or charity based approach. Instead, it enables them to claim solidarity and support as a right. It simultaneously instils in them the duty to help others. This component of human dignity is the true added value of a human rights approach to development.

WHITHER SENIOR CITIZENS?

COULD YOU PLEASE SHOW ME
THE ROAD TO DEVELOPMENT?



THERE !!!



Programmes, strategies and guidelines

The human mind has been fertile in dreaming of lofty visions and utopian ideals. Translating them into practice and programmes at the grassroots level remains a herculean task. The world will not stop for grassroots human rights defenders to get practice perfect before implementation. How best can this be done in a world where the pace of change is becoming faster and faster?

- What can be the appropriate programmes and strategies?
- What are the potential challenges?
- How can we work with state and non-state actors?
- What is the role of each stakeholder in this change process?
- What are the opportunities in the present global scenario?
- How can the rights-based approach be monitored?

It does provide a menu of choices. But however good the menu, it cannot be eaten. It needs to be prudently implemented in the field.

Programmes and strategies

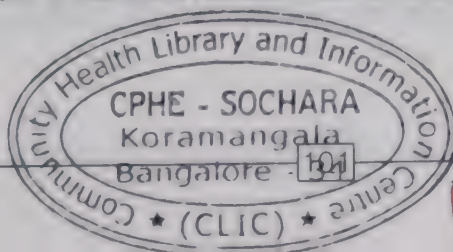
Through their policies, states displace and destroy people and communities. Even well-meaning interventions are paternalistic and feudal, and do not accord basic human rights to the excluded

peoples. The interventions of organised religion are the same. The intervention of the industrial sector is, with the tacit support and connivance of the state, to further this displacement and forcibly incorporate the excluded peoples into the proletariat, often as slave labour. The paradigm of development chosen needs these forms of exclusion and dependency.

The intervention of the voluntary sector has eroded the social systems, with trade union models of organisation and leadership supplanting the traditional ones. Welfare programmes have turned the excluded peoples into objects of charity. It is difficult, at this point, to evaluate the costs and benefits of these well meaning interventions. What they have indisputably done is transfer values and modes of stratification and introduced new kinds of handicaps, even in cases where empowerment was the explicit goal.

The empowerment programme needs to be multi-pronged, and based on a basic rights approach. Rights-based approaches incorporate express safeguards in development instruments to protect against threats to the rights and well-being of the most vulnerable. All development decisions, policies and initiatives, while seeking to empower local participants, need to guard against reinforcing existing power imbalances between, for example, women and men, landowners and peasants, and workers and employers.

The basic struggle is for land (economic) and identity (socio-cultural). Land is tied to identity and sustainability. Culture is as tied to land and as location specific as morals. Land restoration becomes a prime objective and prerequisite for restoration of peace and justice. However, it is not possible without political action. This political action can come about only through mobilisation based on a powerful identity – a socio-cultural intervention. This intervention can be sustained only if the people



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have the economic wherewithal to meet at least their emergency survival needs, and initially can only be done in a relatively non-threatening way. The political mobilisation on a specific identity is for multiple levels of engagement.

Poverty and inequality are maintained by the political, social, economic, patriarchal and religious systems. Unless all are addressed consciously, poverty cannot be removed. Stratification and inequality being legitimised as a key concept of religion, democracy can only be created from the secular space. In carrying out rights restoration and inclusion activities there could be various strategies such as capacity and perspective building through training, workshops and seminars, organising and mobilising people and federations, networking on common issues, lobbying and advocacy for pro-poor policy changes, documentation and dissemination of information, communication and fund raising.

The core issue is to create systems and institutions to change power relations. Any intervention to address poverty will necessarily have to tackle the entire social edifice and help people move into all possible spaces to restore their rights – among them local governance institutions and legal and constitutional rights. It needs a positive programme of addressing the question of power, discrimination and exclusion, and not just comfortably ignoring the issue.

Facilitating change

The first decade of the new millennium has seen the increased participation of world citizens in setting the agenda of the world. The rise of global civil society and 'middle-classing' of leadership has seen increased attention being paid to human rights. This global citizenship is forming increased links – the bottom-up globalisation that is so vital for solidarity. The formal space for

this global civil society has increased, with global institutions according space for civil society organisations.

Poverty is now clearly seen as a factor of distribution – and therefore, power – rather than a factor of production, with even traditionally ‘poor’ countries having food surplus and starvation deaths simultaneously. Attempts to address poverty world over, including by governments, acknowledge it to be one of social mobilisation and empowerment. This realisation enshrined in state and international documents is matched by the brutal, violent and legal violation of human rights by the very same state. While the state is ostensibly for the sustenance of individuals and groups, in practice, the state perpetuates its survival at the cost of people. Though logically the state should justify curtailment of rights, often the people have to justify why they require rights, since residual rights and sovereignty are deemed to vest with the state and not with the people.

Ironically, the space for putting the human being at the centre has become dissent space – and this dissent space has become more ritualised and controlled and therefore more restrictive. Space for traditional forms of dissent has shrunk considerably. What was legitimate in the 1960s and even 1990s is now passé. Shrinking attention spans defeats the information democracy created by the information explosion and technological revolutions. Movements are struggling to find the right idiom, not only to capture the imagination of the masses but also to successfully put forward their agenda of putting people in the centre of development. While global institutions – such as the UN and the World Bank – do have formal space for civil society organisations, the space is woefully inadequate. It is often restricted to ‘observer’ status. The voices are allowed, but seldom heard and acted upon even more rarely.

The new reality

The state does not represent the nation

This is a rather controversial statement, since it arouses passion. But we implicitly accept that as a reality when making gender audits mandatory. Gone are the days when a few men could decide what was best for the entire nation and get away with it. Now it is accepted that women need to be present in decision-making if their interests are to be taken care of. So also other sections of society.

The middle class and globalisation of solidarity

The middle class, unlike the lower classes, know how to use the instruments of state, media and technology. The increasing numbers of the middle class coincides with the shrinking of the state. This means that more and more from the middle class are feeling a sense of exclusion. In the search for meaning, they transfer this alienation to activism to crystallise the alienation felt by historically marginalised groups, claiming leadership of these sections by organising them and articulating their aspirations. In the past, the state could bypass these people by physically exterminating them or by marginalising or discrediting them by various means. Now there is a marked difference due to three key features.

This excluded middle class is no longer in isolated minorities

The state no longer has the resources to 'buy them up' or co-opt them. This middle class is able to form significant pressure groups by linking with others across the globe to ensure that global minimum standards are applied everywhere.

The advent of the global citizen

The protests of the past were localised. The state was able to treat each protest as a separate reality, isolate them and negotiate

separate settlements in 'addressing' the issues raised. For instance, large-scale displacement caused by state-sponsored development projects could be passed off as isolated cases, as also the protests of the people. The fact that such displacement was a common pattern that ran right through the development model chosen could be hidden.

The new technology – such as the internet – and global solidarity makes it possible for the resistance and protests to be global and synchronised. Even if the 'decision-makers' sign on the dotted line, the peoples' informed consent is needed for the project to be implemented.

The middle class from the excluded communities

In the past, the middle class was largely from the dominant communities. Global processes have created a new middle class from the excluded communities. They are representatives within the dominant discourse and institutions. They are techno-savvy, and fully at ease in dominant decision-making forums, language, idioms and discourses. Isolated communities can, and do, use global links to make the critical mass to impact on policy and projects.

With the increase in middle class, these pressures will only increase.

Secession of the successful

Paradoxically, the increase in middle class affluence and influence is matched by their disengagement from the state. Instead of making the state work, those who can afford to do so prefer to use the services of non-state players. This now includes even security, which was the sole preserve of the state police even a decade earlier. Now even the upper middle class can afford basic private services – effectively paying twice for the same service: once to the state as tax, and once to the service provider.

This has multiple consequences. The cost of what is effectively double taxation is passed on to the poor. So the extraction and expropriation systems become even more efficient and exploitative. The middle class, though affluent, believes itself to be on a survival footing. Therefore, the attempt is not to address the structural causes, which they can, given their surplus accumulation. Rather, and should, it is self-gratification due to the insecurity and want creation by the media.

Increasing role and power of non-state, trans-national actors

The world is no longer state-centric. The conditioning of development assistance on structural adjustment policies by the World Bank has led to the weakening of the state's ability to fulfil many rights. When state centric, there was some form of accountability due to centuries of evolution of citizens' coping mechanisms. National corporations too have some accountability. The processes of exclusion have always had a major place for non-state actors. But these actors were reachable both geographically and judicially.

Trans-national corporations (TNCs) are a law to themselves. They are far away from the poor. TNCs straddle national frontiers and thus can evade government regulations.³¹ Governments sometimes tolerate TNC abuses because of the economic benefits they can bring to a national economy. TNCs can have a positive influence on human rights because of their economic power.

Corporations influence human rights by:

- Direct control over their own sphere of operations and their control over their own employees.
- Indirect control through contractual conditions with joint venture partners, suppliers and subcontractors.

- Influence on social issues within local communities.
- Influence over governments in countries with an economic stake in the company's operations.
- Influence over public perceptions of the company's position on human rights issues through exposure in the public media and corporate communications.

Of the top 100 economies of the world, 52 are corporations. The top 200 corporations account for more than 25% of the world's economy. The World Economic Forum (WEF) is a private club, that sets the global economic agenda where ministers from sovereign nations are often excluded, and if invited, it is at the discretion of the organisers.

Companies that advocate human rights are seldom in the news. Companies are often in the news for abuse of human rights. Major human rights issues related to businesses are:

- Forced and slave labour.
- Workplace health and safety.
- Improper use of security forces.
- Discrimination in employment.
- Hours of work and rest periods.
- Minimum age for child workers.
- Adequate compensation.
- Collective bargaining.
- Intellectual and other property rights.

Corporate involvement in human rights issues is as varied as the corporations themselves. There are companies that:

- Are human rights advocates and allies.
- Have no human rights policy and little interest.

- Whose products are sometimes used by others to commit human rights violations.
- Provide revenues to support governments that violate human rights.
- Passively support human rights abuses by host governments.
- Themselves commit human rights abuses or are directly complicit in such abuses.

Due to their increasing reach and presence, they need to be engaged. There is a need for non-judicial processes and responses for restoration of rights and inclusion. The present dominant ideology has demonised the state and portrays the private sector as the panacea for everything. True, the state is bad, and has seldom delivered. But the solution is not to replace the lawless state with lawless TNCs. Mechanisms have been developed to deal with the state. Mechanisms need to be developed to engage TNCs and cover them within the ambit of the human rights framework.

Increasing evidence of the limitations of tools of measurement

There are no tools to measure the complexities of life. The Human Development Report and other indicators that try to give a better snapshot of reality supplement the World Development Report. Most of the tools we have are developed for an industrial era. The tools for a service economy are just developed and understood. However, there are no tools to correctly assess pre-industrial societies.

This leads to rather farcical situations. A dead tree has a value – the price of its timber. A live tree nothing. The agricultural land has got no inherent value, only the last three market transactions. They simply do not show up in the GDP. When the economy has

little or no monetary component, this 'value' becomes even more farcical when translated into monetary equivalents. When transferred to a non-monetary economy, this goes to extremes. The biodiversity of the forests have no value – except when industrially exploited. Its integral part of the indigenous medicinal systems has no value. The forests have values only to be exchanged for pollution credits.

Human Rights: New Challenges

- AIDS and human rights (right to life, non-discrimination, right to health, right to freedom of movement).
- Scientific and technological progress and human rights: computerization and freedom.
- Genetic engineering and human rights
- Traditional practices affecting the health of women and children specially genital mutilation.
- New forms of exploitation and abuse of the child: sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes, child soldiers, removal of organs from children.
- Trafficking.
- Migrant workers.
- The new trade regimes specially WTO, GATS.
- Intellectual property rights (IPR and TRIPS, Indigenous Knowledge...)
- Militarization of outer space.
- Death penalty, though not strictly 'new' is increasingly applied in a world going in for quick fixes.

The human being has no value except for the value of goods produced or consumed – their 'contribution to the nation's economy.' High consumers are highly valued. Anyone and anything hindering this consumption is criminalised. This valuation of the human person makes the non-consumer, meaning the poor,

invisible to the economy and also to the state. The cruel extension of this is that the poor and their livelihoods are criminalised.

Infrastructure and development are not 'for all' as the assumption goes. The people did not have the words or the idiom to express what they instinctively knew. The dominant took advantage of this. However, now they are not so gullible. They expect fair compensation. If they receive donot fair compansation, most often someone comes along who 'instigates' them into 'creating law and order problems' to claim their due.

The present non-negotiable

For any policy or programme to have legitimacy, it must have these basic components, all of them demonstrated.

Respect for human rights

It should meet the standards set out by the international bill of rights (UDHR, ICCPR, ICSECR). It needs to take into account the advances in human rights such as ICRED, CEDAW, CRC, and the Declaration on Involuntary Displacement and Discrimination.

All human rights for all, at all times

This is a radical departure from the earlier governing philosophy – the greatest good for the greatest number – used with devastating effect as an instrument of exclusion, exploitation and appropriation giving rise to the classic cycle of resources – repression – revolt.

Democracy does not mean 'the will of the majority' but only within the bounds of promoting dignity for all. Now the world has the normative framework, the communications capacity, the technical know-how and the financial resources to meet the most pressing needs and fulfil the rights of all, at all times. Increasingly, citizens expect nothing less.

Informed consent

It is not enough if the project or state respects human rights. It should be transparent, accountable and inclusive to those affected by it. People now want to be informed decision makers. Though they may have little interest, or even welcome the project wholeheartedly, they would still like to give their informed consent. This is a fall-out of the people seeing the state as one more 'service provider' an idiom of the market that now pervades the consciousness.

Action at all levels

Work within national boundaries is important, but not sufficient in a world of porous borders and desperate migration of the 'economic refugees' to meet survival needs. This migration (forced either actively or passively) does not come under the WTO norms, but is the most practiced phenomenon. The response of states to the ILO recommendations has been lukewarm. It has been market-driven at best and utilitarian at worst. Addressing it needs a strong cross-border civil society response.

The role and scope of different social formations in change are different in terms of what is acceptable and in scale. As an institution, the space for 'activism' and 'protest' is different. The role of institutions such as ActionAid in change is sustained engagement, exploring the contradictions, strengthening self-regulatory and watchdog provisions at the macro level, while simultaneously creating and strengthening institutions of the poor so that they will have the power and capacity to enforce protective legislation and take up campaign activity.

Most advocacy is fighting the last war with outdated weapons. With the pace of change becoming more rapid with every passing day, there is a concurrent need to reorient, refocus and perhaps even

reinvent social interventions so that they can be relevant to the changing times. Social interventions to address poverty need to cover the entire spectrum of dissent space. While the traditional ordering of social relations has not changed – based as it is on power, both overt and covert – the expression of dissent now needs to follow the new idiom. With the globalisation process impacting on the poor at a much faster pace and global institutions increasing their reach to the hinterlands, it becomes all the more necessary for poverty eradication programmes and initiatives to address institutions from the local to the global level. The global village demands nothing less.

Work on sustainable development makes it clear that it is a factor of social justice and power. The rights-based approach of ActionAid makes it imperative for ActionAid Asia to engage in this process of agenda-setting and programme design so that these concerns can be addressed. It is important to be part of all decision-making forums because what is conceded in one forum (e.g., WSSD) could well be negated by the developments in another (e.g., WTO).

In the long term, there can be a partnership of ActionAid and grassroots organisations in all arenas of involvement. However, in the medium term, ActionAid will need to complement the skills available at the grassroots and fill in the gaps where necessary. It will need to put its considerable institutional strength at the disposal of its core constituency to be a seamless channel to make the poor and their concerns visible at all levels – supporting the poor at the grassroots, enabling their empowerment and presence at progressively macro-levels. Where institutions of the poor do not have presence, ActionAid should make the voice and perspective of the poor heard and visible.

This would need a different approach, while working with the poorest of the poor. The constituency remains the same, while the process of engagement undergoes a shift. The difference in approach would be that ActionAid would identify the poorest of the poor and work to create institutions for them so that they become capable of engaging with all institutions right from the local to the global.

The process

The activities at all levels will need to complement each other. Each programme or intervention of ActionAid will need to explicitly state which human right is being addressed. Though the actual programme could be on the economic and social side, it would need to have components that would address the civil and political aspects. It would mean creating and engaging existing institutions either singly or in coalitions, with multiple actors in an integrated approach.

Campaigns need to be initiated at the grassroots, along with support at other levels. This implies building up country programmes that have a relatively homogenous core constituency, or at least common interest. This will lead to a common campaign at the national level. With sufficient planning, the common interest (or a few common interests) can be identified for a regional campaign. The core campaign will need to be broad enough so that different global processes can be effectively engaged without the campaign itself revolving around any one global event.

ActionAid will need to bring together its country teams in a series of meetings and strategy sessions, to identify the basic issues of its core constituencies. Then the senior managers need to work out the strategy and the messages. These will then be translated into country specific tasks and outputs. This is an internal ActionAid strategic loop.

The other task is to take this loop to the global stage. To be effective (have 'agency') at the global stage presence has to be permanent whether at the UN, WTO or other international or multi-lateral agencies. A team that will give such visibility and permanence to ActionAid will need to be developed. This team will shadow the key global processes. At the special events – such as the summits – others from the grassroots could also be included so that their voices are heard, and also as a motivator for further grassroots action.

The voices of the grassroots need to be heard directly in global forums. ActionAid will need to supplement their voice by translating these voices into the idiom of power and global dynamics with institutional support mechanisms such as research, publications and accompaniments. These need to support campaigns, and ensure adequate presence is created in mindscape, retention and recall. There will need to be sustained dissemination of the core message over time.

Participation in world conferences without sufficient grassroots mobilisation will render engagement to be less than optimal and at best rhetoric or fulfilment of personal agendas. Grassroots mobilisation not only gives legitimacy to the engagement but also ensures that all gains are translated into tangibles in the life of the people – the core constituency of ActionAid. The ActionAid process will thus have to become strategic, simultaneously at different levels.

ActionAid cannot participate effectively in all the international conferences all the time, nor can it put all its eggs in one basket. Though ActionAid does have ECOSOC accreditation, it will need to position itself, neither narrowly so that it cannot intervene in a broad spectrum and paint itself into a corner, nor diffusely. What is needed is a considered decision on which forums ActionAid will leave its mark, and in which it will support interventions by

others. This will need to be a combination of grassroots campaigning, research input and expertise. Presence comes over time with the harmonious meshing of all these and experience.

There are many world conferences coming up that are of importance to ActionAid. ActionAid's contribution could be at the world summits and global forums. Engaging in the process right from the PrepComs will be to get familiarised with the issues being discussed and debated. This will mean that the spaces where ActionAid could work to further its human rights and development agenda can be identified as early as possible.

Once these are identified, then ActionAid could develop a platform for engagement, and ensure that sufficient people from the grassroots go to make their voices and concerns heard. Coalitions need to be built-up with others working on different aspects with the same perspective – such as housing, other basic rights, displacement, and social movements. ActionAid Asia could even think of a future 'Social Justice Caucus'.

ActionAid will need to reorient its programme to be a seamless grassroots to global voice and impact. It is important to participate as early as possible to understand the nuances and the dynamics that lead to the summit. It will help in coalition building.

Institutional relationships

The shift to a rights-based approach to development will necessarily mean a shift to a rights-based relationship between ActionAid and the grassroots organisations that it funds. Given the role expected, there will need to be a high level of autonomy of functioning coupled with a high degree of responsibility. Accountability will be task based. It would need light touch reporting outside institutional line management, but with strict adherence to agreed upon timelines and compliance of the spirit of the association. Moreover,

a high level of support – often of information and strategic uses of information – would be required. The ActionAid project officers would need to spend a lot more quality time with the projects to support them in solidarity building.

There needs to be a clear understanding that there will be a lead-time before results become visible. Institutions cannot change overnight. There will be a lot of investment in the process that needs to be embedded within the ActionAid programme. It needs a long-term commitment.

The approach and funding would need to be strategic. A strategic approach has four basic components.

- It would provide basic services, meaning that it would ensure that the basic needs of the people are addressed.
- This would be by initiating an empowerment process by which the people can claim more from the state. This demand system must be a non-negotiable objective of the ActionAid programme.
- The poor can often manage by themselves locally. It is the solidarity of the rich globally that makes life difficult for them. The poor do not have the resources to make these global solidarity links. The programme should help make links beyond the local. It should provide material and non-material resources required to make these links.
- There should be sufficient work on the ‘mind’ component. It would create appropriate ideological frameworks for empowerment of the excluded, and space for action within the dominant structures.

Internal social audits

Internal social audits help pinpoint organisational blind spots. We often do gender audits to monitor actual benefits reaching women. To ensure that the concerns of women are addressed from their perspective, it is acknowledged that women need to be at all stages of planning and implementation in positions of power and decision-making. This is a welcome step, but it needs to be carried forward to include all excluded sections.

Women from the uppermost strata are equally at sea in genuinely understanding the problems of the excluded women, as the excluded men themselves. Monitoring could check how many indigenous people are present and at what levels in the programme management structures. How many are racially discriminated? How much money reaches these sections... or does a major part go in the service delivery cost of institutional infrastructure – which is staffed by those from the privileged sections?

It would be well worth the effort to do a profile of the class, gender, age, race, ethnic and caste composition of the following and see how they match up:

- INGO staff, in this case ActionAid.
- population covered by the programme.
- composition of the poorest of the poor in the country.

Does the budget for a particular section match the percentage of the population covered? Is that the same percentage of staff from those sections? If 80% of the budget goes for indigenous women, are there 80% of women in the staff at all levels... or is the management structure the same as the inequitable social structure? Without the inclusion of the poor into decision-making structures, their participation – a non-negotiable for rights-based development – becomes impossible.

Guidelines

The conceptual framework of a human rights approach to development needs to be supplemented by a practical framework that proposes adequate steps and guidelines to be taken. This covers the planning, implementation, and evaluation of development according to human rights standards and criteria.

To translate a human rights approach into practice, it must be clear which human rights will be addressed. Development policy, with its focus on the poor and other disadvantaged groups, emphasises economic and social rights. As development in the socio-economic sphere demands an adequate political environment and the strengthening of civil society through participation and empowerment, political and civil rights must be addressed as well. However, which rights will be emphasised in practice will depend both on the general orientation of a development organisation and on the concrete situation.

The following are some practical guidelines.

• Policy

- The human rights approach to development requires a clear, consistent and agreed policy at all levels of the organisation, and the community and people involved.
- Development workers genuinely committed to human rights must be prepared to conceptualise and articulate their activities within the human rights framework. The development discourse should be grounded within the language of human rights.
- Poverty reduction and basic needs must be integrated into a human rights approach to development. To meet one's basic needs is a right and not charity.

- **Awareness of concepts**

- The human rights concepts and international human rights framework must be fully understood by those involved.
- Development workers must be familiar with the international human rights standards. They must have an understanding of government obligations under international human rights instruments and community entitlements, and must be able to translate these into everyday practice.

- **Participation and control**

- Participation is a major dimension of a human rights approach to development. A focus of development policy must be the human rights education of the people. Only by knowing their rights can people participate meaningfully and comprehensively.
- Participation is a process and is essential for a human rights approach to development. Strengthen a vulnerable group through their participation.
- Participation must be defined within the human rights context and not the management context. Make sure that the wishes of those consulted make a difference.
- Proper participation requires an adequate access to information. The people involved must be provided with necessary information and all information should be used in the participatory process.
- Communities need to be provided choices and given undertakings regarding the project.
- Projects should be selected in a participatory process.

• Programme design

- The people and communities should be involved right from the beginning of the programme. The feasibility study itself should involve the communities themselves in the design of the project, not only in its implementation.
- At the feasibility study stage, project designers need to analyse the other rights that are breached (through omission or commission) in the area.
- Design all projects with human rights outcomes rather than finding some human rights specific projects to attach to the overall programme.
- Project selection should absolutely favour those most deprived of their rights: the poorest of the poor, often those suffering from multiple forms of discrimination.
- Set timetables for outcome but be flexible.
- Plan and prepare the exit.

• Advocacy

- Securing rights requires structural change. Conditions to fulfil rights must be insured in the long run. Development workers and agencies should pay attention to legislation, advocacy, policy work, litigation, and capacity building.
- One major effort by development agencies should be that all states either ratify the major human rights treaties or withdraw their reservations to them. The adherence to human rights must lead the policy dialogue among NGOs in the development field.
- A human rights approach to development requires documenting how the different agents such as governments,

TNCs, IFIs follow their obligations since accession and/or ratification of international human rights instruments does not guarantee the respect, protection, and fulfilment of human rights.

- Negotiations with local authorities must make it clear which rights are addressed.
- A human rights approach to development needs supporters and advocates. It also requires coordination between/among donors and development agencies.
- Create public space. Media should be involved.
- Build alliances and create networks along the way. Cooperate with all like-minded actors.

• **Monitoring**

- The responsibility for project evaluation and monitoring includes the participation of communities.
- A precondition of the success of a human rights approach to development is its integration into the monitoring mechanism of human rights and development agencies. The dialogue between human rights and development activists should follow the demands of such an approach and thus mutually strengthen their lobbying activities.
- Gains in human development are not always attended by gains in human rights fulfilment. A pure human development accounting may fail to pick up on the vulnerability of individuals and groups within a society
- Performance standards that reflect human rights and specific benchmarks to measure the outcome and success of a project are needed for monitoring and evaluation of the realisation

of human rights. Developing benchmarks, indicators and documenting both violations and progress are essential.

- The project needs to be assessed according to what rights the project will advance. Monitor the progress of the projects according to the criteria of participation and the provision of basic needs. This is particularly the case with poverty alleviation projects.
- Evaluation needs to be based on a guarantee that the human rights gained are not jeopardised by project failure. The project success should be based on the degree of control that the most vulnerable can retain over increasing parts of their life, livelihood systems and resource base.

Challenges

Human rights, by their very nature, are always sensitive. Promoting human rights through development is a complex process.

- For the poorest of the poor, a service delivery approach does not work on a sustained basis. When working with them, there needs to be a balance between service delivery and a human rights approach to development. It is important to note the relationship between right to basic needs and basic means (information, education, freedom of expression, participation, etc).
- Guard against consulting people endlessly in an attempt to ensure that participation takes place.
- Tools and mechanisms as well as indicators to monitor and evaluate long-term impact should be established.
- Development agencies may have to redefine the role of their organisation and the arena in which they will assume each

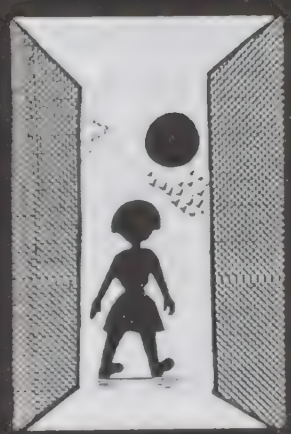
role. Are they donors, providers, facilitators, negotiators, catalytic agents or change agents?

- There is no uniform perspective regarding the relationship between organisation and government and communities. Approaches need to be adopted depending on need.
- There is a need to hold on some practical principles.
- Impartiality.
- Non-defensiveness.
- Perseverance and tenacity.
- Collaboration, cooperation and network.
- Autonomy.
- Networks are important, but once a network is established, maintaining and expanding it needs time, effort and resources.
- A human rights approach to development requires a redirection of development funds.
- Balance the use of litigation and other methods of work with and on behalf of communities. Any action or activities undertaken should be within the capacity of people. Make sure that people work for themselves and that development workers work with them.
- Listening to people with respect and then supporting them (the rights and solidarity approach) requires humility. It requires a genuine desire to understand, since the poor will not tell us what we want to hear in the way we want to hear it. They have their own language and idiom. But if we really want to eradicate poverty, we must learn from those who know poverty best: the poor themselves.

Globalisation and technology bring new challenges at a faster pace. Few are conversant with them, much less know how to address them. The relevance of collective received wisdom and public information is constantly shrinking. The constantly changing external environment demands innovative responses. However, in changing times, people prefer the tried and tested – even when obsolete. Entrenched institutions capitalise on this fear of change by appealing to powerful archetypes and symbols such as ‘sacrifice for the larger good of the motherland’.

Social mobilisation for empowerment to its logical end is needed for those excluded in present relationships. Stopping at the welfare stage or being comfortable in charity, actually hurts the process and keeps people in dependency. It requires courage to move from charity to rights. Creating powerful communities is for the inclusion of the excluded as equals. It is not a spectator sport. It is not for the faint-hearted – those frightened of wielding power or facing its consequences. It is a long distance race. Those without stamina should not get in. A human rights approach to development is a process. There are no quick fixes.

SOMETIMES MEMORIES REMAIN
AS NIGHTMARES



FIGHT CHILD ABUSE

Summing up

The world is always in transition. All change affects the poor and the vulnerable adversely, unless specifically addressed. No matter how unjust the present status quo, the poor have built coping mechanisms for the present. Change makes these coping mechanisms obsolete. Therefore, all change must demonstrably be for their betterment, and have a clear implementation technology to ensure it. Times of crisis and change are often used to reinforce status quo – or cast the current prejudice in stone, negate human rights gains and formalise stratification, discrimination and exclusion. Change should be towards democratic structures and equitable systems of social ordering.

The international human rights standards provide a global minimum standard for the well-being of the individual and the collective human race in all endeavours and sectors – whether state or market, government or trans-national corporation. Empowering excluded communities provides a mechanism that enables them to claim their rights. Globalisation has created new opportunities for social mobilisation and action, while closing others. There is new potential for alliances and coalitions due to a convergence of interests among human rights, environmental, development, relief, and social service oriented institutions, movements, governance and NGOs. There is social mobilisation currently taking place around sustainable development and corporate accountability.

The emerging global system is redefining roles of state, business, and civil society in the protection and promotion of human rights. No single actor can be expected to provide for the fulfilment of all human rights. But by working together progress is possible. Dialogue and coordinated action involving all sectors are the key to make globalisation work for protecting all human rights for all.

Inclusion with dignity is possible. There are sufficient experiences to validate it. The tragedy is that so few try. The miracle is that so many do – in Nelson Mandela's words before imprisonment – to live for when possible, to die for when necessary.

The one billion of us who live in absolute poverty (less than US\$1 per day), and the 50% of us who live in poverty (less than US\$2 per day), the millions who die of preventable disease every year, the millions of children denied a chance for a dignified life and entire peoples left in slavery even today – all provide compelling reason as to why another world must be made possible. The Chinese have it right in their proverb: the person who says it cannot be done should not interrupt the person doing it.

A race that can put man on the moon, travel faster than sound, plumb the depths of the oceans and has butter mountains, wine lakes and granaries full of grains to feed the world many times over surely has the means to ensure a life with dignity for all. It provides us sufficient reason why another world is possible. The human rights framework provides a minimum value base, and the empowerment process a means, to turn the world as it is to a world as it should be.

Life is to celebrate. It is humanly possible to make a world where such a celebration is possible for all. Let us make it.

A human rights timeline

- 1679 Habeas Corpus: An English Act guaranteeing individual freedom and 'safety' against arbitrary arrest and punishment, making it obligatory to bring a prisoner before the court rapidly, whose independence from the executive arm of the state is guaranteed.
- 1689 Bill of Rights: English declaration of rights, of strictly national application, which established royal power based on national sovereignty and not on divine right, codified the supremacy of the law over the throne, the sovereignty of Parliament, the right of petition, to vote, individual liberty and judicial guarantees.
- 1776 United States' Declaration of Independence: first affirmation of the 'right to life' – which would only reappear in the 20th century – and of the fact that power must be based on the consent of the governed.
- 1789 French Declaration of the Rights of Man and of the Citizen: with a claim to being universal, it is considered the archetype of all such declarations: national sovereignty, a representative system of government, primacy of free 'expression of the general will', separation of powers, equality of all before the law, justice, public accountability of taxation and official appointments, presumption of innocence, right to resist oppression, right to property, to security, freedom of conscience, of opinion, of thought...
- 1791 Draft Declaration of the Rights of Woman and the Female Citizen: by Olympe de Gouges claiming that the Declaration of 1789 should be applied to women ('a woman has the right to mount the scaffold, she should also have the right to mount the rostrum').
- 1793 Declaration of the Rights of Man and of the Citizen of Year I: extends the concept of freedom to Blacks, and proclaims, the first to do so, economic and social rights: the 'right to education', to work, to 'assistance', institutes the 'right to insurrection' in the event of 'violation of the rights of the people.'

- 1848 Constitution of the French Second Republic: affirmation of the social obligations of the state, of 'claims-to-rights' of citizens, freedom of association, of assembly, universal suffrage, abolition of slavery in the colonies, free primary education, public works programmes for the unemployed...
- 1863 International Committee of the Red Cross founded in Switzerland by Henri Dunant: First Geneva Convention on the protection of the war wounded and invalids (extended to prisoners-of-war in 1929).
- 1920 League of Nations the early stages of an international institution above States whose mission was to increase co-operation between nations and guarantee peace and security.
- 1924 Declaration on the Rights of the Child: known as the Geneva Declaration, the first international declaration of the kind, adopted by the League of Nations.
- 1945 Charter of the United Nations: 'consecration of human rights and basic freedoms at the international level.
- 1945 –
- 1946 Nuremberg Trials: criminal Nazi leaders and organisations are tried and found guilty of war crimes and crimes against humanity by an international military tribunal.
- 1945 Creation of UNESCO: a United Nations organisation given the task of promoting peace between peoples through the dissemination of science, education and culture.
- 1948 Universal Declaration of Human Rights: adopted by the General Assembly of the United Nations, a combination of civil, political, economic, social and cultural rights.
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 1952 International Convention on the Political Rights of Women (UN) .
- 1965 International Convention on the Elimination of all Forms of Racial Discrimination (UN); special condemnation of the Apartheid regime in South Africa.
- 1966 –
- 1976 Adoption and entry into force of the International Covenant on Economic, Social and Cultural Rights and of the Covenant on Civic and Political Rights intended to insure respect for the Universal Declaration of Human Rights of 1948.
- 1969 American Convention on Human Rights.

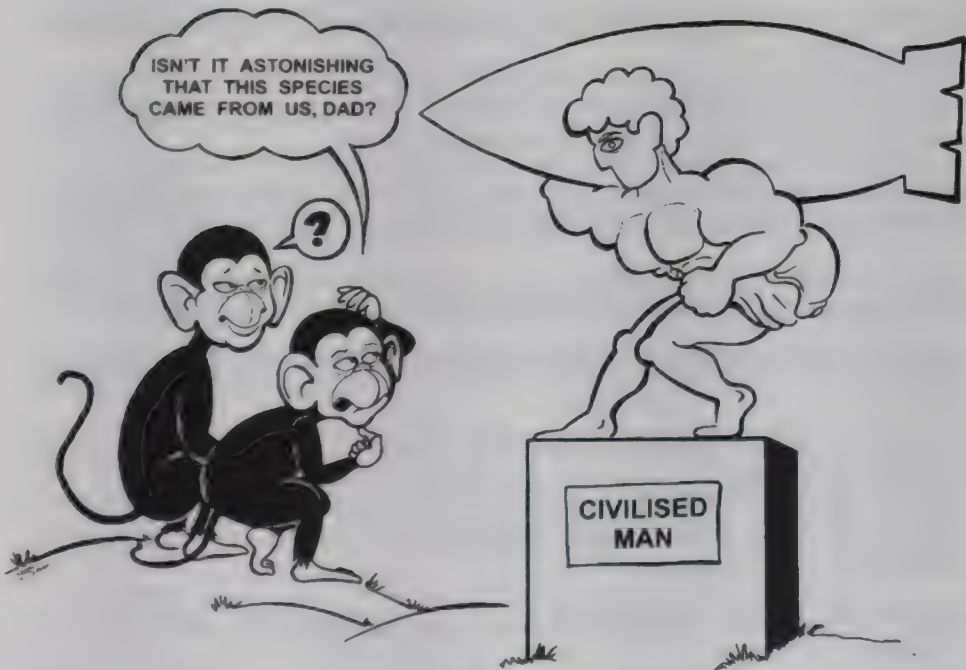
- 1971 Founding of the NGO Medecins Sans Frontieres in France, start of the 'French doctors' humanitarian movement not only to provide medical care based on the principles of impartiality, neutrality and humanity, but also to bear witness.
- 1972 French law against racism: prohibiting, in particular, incitement in the press to discrimination, hatred, and violence on the grounds of race or religion.
- 1974 International Charter on the Economic Rights and Duties of States (UN): the successful conclusion of efforts to institute new relations based on 'equity, sovereign equality and the interdependence of interests' between the industrialised and the developing countries.
- 1975 Helsinki Accords: 'Conference on Security and Cooperation in Europe', which extended respect for human rights and freedoms to the USSR and the Eastern block countries.
- 1979 International Convention on the elimination of All Forms of Discrimination against Women (UN): a reminder of rights in all areas, it exhorted States to take every measure designed to '*accelerate the institution of de facto equality*', and affirming that the '*traditional role of the man in the family and in society should change as much as that of the woman if the wish for equality of men and women is to be achieved*'.
- 1981 African Charter on the Rights of Man and Peoples.
- 1984 International Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UN).
- 1987 European Convention for the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.
- 1988 Resolution of April 5th of the UN General Assembly instituting the right to enter sovereign territory to save lives. Resolution of December 8th of the UN General Assembly establishing '*the right of access to victims of natural disasters and emergency situations of the same order*'. Recognition of the right of assistance.
- 1990 International Convention on the Rights of the Child (UN). Affirmation of basic rights: the right to a name, nationality, a family, social security, education and leisure.
- 1990 Resolution of the UN General Assembly recognising the necessity for 'humanitarian corridors' to facilitate the delivery of aid.
- 1991 (April 5th): Resolution 688 of the Security Council considered to be the foundation of the right to intervene. For the first time in its history, the international community considered an internal human rights problem

to be a threat to the peace – ‘*the repression of Iraqi civilian populations in many parts of Iraq*’.

Security zones under United Nations protection were created for the Kurds in northern Iraq.

- 1992 (August 13th): Resolution 770, permitting the use of force to protect shipments of humanitarian aid to a population victim of an armed conflict, for the first time, in this case in Bosnia – Herzegovina.
- 1992 (December 3rd): Resolution 794 authorising a preventive military deployment, in Somalia, with the objective of ‘*instituting secure conditions for humanitarian rescue operations.*’
- 1998 Permanent international criminal court: set up by the Rome Conference to try the perpetrators of genocides, war crimes and crimes against humanity.

Source: Label France, December 1998



Important human rights instruments

ICCPR – adopted December 1966, entry into force March 1976.

ICESCR – adopted December 1966, entry into force January 1976.

The First, Second, Third and Fourth Geneva Conventions (and the 1977 Protocols I and II), adopted August 1949. These conventions deal with the conduct of war, the treatment of prisoners and the protection of civilians in wartime.

The Convention on the Prevention and Punishment of the Crime of Genocide, adopted 1948, entry into force in January 1951.

Convention on the Political Rights of Women, adopted March 1953, entry into force July 1954.

The Convention on the Elimination of All Forms of Racial Discrimination (CERD), adopted December 1965, entry into force January 1969.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted December 1979, entry into force September 1981.

Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), adopted December 1984, entry into force June 1987.

Convention on the Rights of the Child, adopted November 1989, entry into force September 1990.

Convention on the Reduction of Statelessness, adopted August 1961, entry into force December 1975.

Convention Relating to the States of Stateless Persons, adopted September 1954, entry into force June 1960.

Convention Relating to the Status of Refugees, adopted July 1951, entry into force April 1954.

Protocol Relating to the Status of Refugees, adopted January 1967, entry into force October 1967.

Slavery Convention of 1926, signed in Geneva, amended by a Protocol which entered into force, December 1953.

Supplementary Convention on Slavery, adopted September 1956, entry into force April 1957.

Freedom of Association and Protection of the Rights to Organise (ILO Convention No. 87) adopted 1948.

Rights to Organise and Collective Bargaining (ILO Convention No. 98) adopted 1949.

Workers' Representative Convention (ILO Convention No. 135), adopted June 1971, entry into force June 1973.

Standard Minimum Rules for the Treatment of Prisoners (1987).

Declaration on the Rights of Mentally Retarded Persons (1971).

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981).

Basic Principles on the Independence of the Judiciary (1985).

UN Standards Minimum Rules for the Administration of Juvenile Justice (1985).

Declaration on the Rights to Development (1986).

UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo rules) (1990).

Guidelines for the Regulation of Computerised Personal Data Files (1990).

Principles for the Protection of Person with Mental Illness and the Improvement of Mental Health Care (1991).

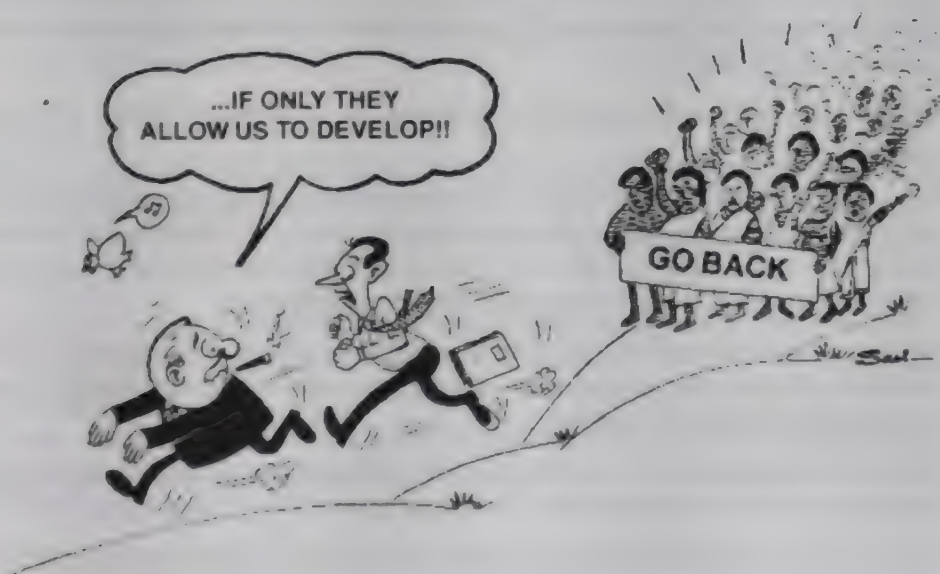
Declaration on the Protection of all Persons from Enforced Disappearances (1992).

Declaration on the Protection of Persons belonging to National or Ethnic, Religious or Linguistic Minorities (1992).

Declaration on the Elimination of Violence Against Women (1993).

Source : Department of Foreign Affairs and Trade (Australia), *Human Rights Manual*, Canberra, National Capital Building 1998.





Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all

nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 8

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be

compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

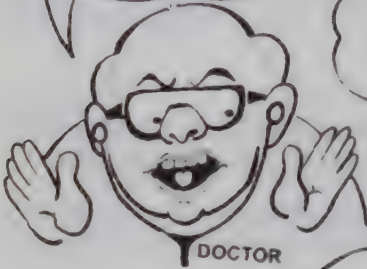
1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

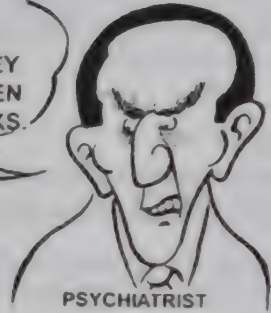
Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

5 TYPES OF HOMOPHOBIA

THOSE WHO INDULGE
IN SAME SEX
RELATIONSHIPS HAVE
CLINICAL DISORDERS.
THEY HAVE TO BE
CURED.



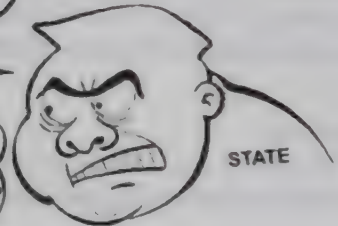
THEY HAVE
PSYCHIATRIC
DISORDERS. THEY
HAVE TO BE GIVEN
ELECTRIC SHOCKS.



THEY HAVE SPIRITUAL
DISORDERS. THEY
NEED TO REPENT AND
PRAY OR GO TO HELL.



THEY
CREATE A POLITICAL
DISORDER. THEY
SHOULD BE LOCKED UP



SEX ITSELF IS A
DISORDER !!!

International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A [XXI] of 16 December 1966, entry into force 3 January 1976, in accordance with article 27.

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- a Remuneration which provides all workers, as a minimum, with:
 - i Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - ii A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- b Safe and healthy working conditions;
- c Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- d Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - a The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - b The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - c The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - d The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - a To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - b Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - a The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - b The improvement of all aspects of environmental and industrial hygiene;

- c The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- d The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - a Primary education shall be compulsory and available free to all;
 - b Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - c Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - d Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - e The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the

requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
 - a To take part in cultural life;
 - b To enjoy the benefits of scientific progress and its applications;
 - c To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
2.
 - a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
 - b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts thereof, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts thereof, relate to

any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of

the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

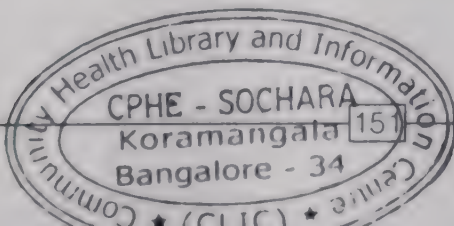
Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.



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3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- a Signatures, ratifications and accessions under article 26;
- b The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

STOP KILLINGS IN THE NAME OF RELIGION

ARE YOU A HINDU, SIKH,
MUSLIM, OR A CHRISTIAN?

?



PEOPLES' INITIATIVE FOR PEACE

International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A [XXI] of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - a To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - c To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from articles 6, 7, 8 [paragraphs 1 and 2], 11, 15, 16 and 18 may be made under this provision.
3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III**Article 6**

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present

Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
 - a No one shall be required to perform forced or compulsory labour;
 - b Paragraph 3 [a] shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
 - c For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - i Any work or service, not referred to in subparagraph [b], normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - ii Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - iii Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - iv Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2.
 - a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
 - b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order [ordre public], public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order [ordre public] or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - a To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - b To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - c To be tried without undue delay;

- d To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - e To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - f To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - g Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
 6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a For respect of the rights or reputations of others;
 - b For the protection of national security or of public order [ordre public], or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order [ordre public], the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order [ordre public], the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee [hereafter referred to in the present Covenant as the Committee]. It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years.

They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 38

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
 - a Twelve members shall constitute a quorum;
 - b Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
 - a Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - b Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
 - a If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
 - b If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
 - c The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

- d The Committee shall hold closed meetings when examining communications under this article;
 - e Subject to the provisions of subparagraph [c], the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;
 - f In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph [b], to supply any relevant information;
 - g The States Parties concerned, referred to in subparagraph [b], shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;
 - h The Committee shall, within twelve months after the date of receipt of notice under subparagraph [b], submit a report:
 - i If a solution within the terms of subparagraph [e] is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - ii If a solution within the terms of subparagraph [e] is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.
2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

- 1. a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission [hereinafter referred to as the Commission].

The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.
7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
 - a If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;
 - b If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;
 - c If a solution within the terms of subparagraph [b] is not reached, the Commission's report shall embody its findings on all questions of fact

relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

- d If the Commission's report is submitted under subparagraph [c], the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.
- 8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.
- 9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
- 10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- a Signatures, ratifications and accessions under article 48;
- b The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

Socio-economic and cultural rights

The following tables are a ready-reckoner on rights and international law as codified in the key international covenants. They show the links between the various rights and covenants, and how the rights have been expanded and defined more clearly in time. They graphically demonstrate the interlocking and indivisible nature of human rights.

Abbreviations used	
Abbreviation	Covenant
UDHR	Universal Declaration of Human Rights.
ICESCR	International Covenant on Economic, Social and Cultural Rights.
CERD	International Convention on the Elimination of All Forms of Racial Discrimination.
CEDAW	International Convention on the Elimination of All Forms of Discrimination against Women.
CRC	International Convention on the Rights of the Child.

General provisions

Discrimination on the basis of sex, race, religion and place of birth is prohibited	Art. 2 UDHR Art. 2(2) ICESCR Art. 1 CEDAW Art. 2 CRC
Discrimination on the basis of descent is prohibited	Art. 1 CERD
Men and women have the equal right	Art. 3 ICESCR
to enjoyment of all human rights without discrimination	Art. 3 CEDAW
Right of access to any public place or services intended for the public use without discrimination of any kind	Art. 5(f) CERD

Right to work: Labour and employment

General

Right to the opportunity to gain a living by work which a person freely chooses or accepts	Art. 23(1) UDHR Art. 6 ICESCR
Right to just and favourable conditions of work and to protection against unemployment	Art. 23 UDHR Art. 7 ICESCR
Right of workers to just and favourable remuneration/fair wages to ensure a decent standard of living for a worker and their family	Art. 23 (3) UDHR Art. 7(a) ICESCR
Right to equal pay for equal work Right to form and to join trade unions for the protection of workers' interests	Art. 23(2) UDHR Art. 7(a) ICESCR Art. 23 (4) UDHR Art. 8 ICESCR Art. 5(e) (ii) CERD
Right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay	Art. 24 UDHR Art. 7(d) ICESCR
Right to equality in employment and access to public service	Art. 21(2) UDHR Art. 25(c) ICCPR
Freedom from racial discrimination in exercise of right to work	Art. 5(e) (i) CERD

Rights of women in work

<p>The State should ensure the elimination of discrimination against women in employment and secure their equal rights:</p> <ul style="list-style-type: none">• Right to work• Right to same employment opportunities as men• Right to free choice of profession and employment• Right to equal pay for work of equal value to men• Right to protection of health and to safety in working conditions, including the of the function of reproduction• Right to social security	Art. 11(1) CEDAW
<ul style="list-style-type: none">• Right to paid maternity leave• Right to special protection for women for a reasonable period prior to and after childbirth	Art. 10(2) ICESCR Art. 11(2) CEDAW
<p>In rural areas, women have right to organize self-help groups and co-operatives in order to obtain equal access to economic opportunities employment or self employment</p>	Art. 14(c) CEDAW
<p>Women in rural areas have the right to equal access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reforms as well as in land resettlement schemes</p>	Art. 14(g) CEDAW

Rights of children in work

<ul style="list-style-type: none"> • Right to protection from economic exploitation • Prohibition on employment of children in jobs that are dangerous or harmful to a child's physical, mental or spiritual development, or which interfere in the child's right to education 	Art. 10(3) ICESCR Art. 32 CRC
Trafficking and sale of children is prohibited	Art. 35 CRC

Right to reservations and affirmative action

<ul style="list-style-type: none"> • Right to reservations for communities discriminated against on the basis of race 	Art. 1(4) CERD
<ul style="list-style-type: none"> • Right to reservations for women 	Art. 4 CEDAW

Right to land, CPR, forests

<ul style="list-style-type: none"> • Right to own property [including land] 	Art. 17(1) UDHR
<ul style="list-style-type: none"> • No one shall be arbitrarily deprived of their property 	Art. 17(2) UDHR
The State should reform <i>agrarian systems</i> in such a way as to achieve the most efficient development and utilization of natural resources	Art. 11(2)(a) ICESCR
Freedom from racial discrimination in ownership of property	Art. 5(d)(v) CERD
<ul style="list-style-type: none"> • Freedom from gender discrimination against women in ownership of property 	
<ul style="list-style-type: none"> • Right to equal treatment for rural women in land and agrarian reforms as well as in land resettlement schemes 	Art. 16(1)(h) CEDAW Art. 14(2)(g) CEDAW

Right to education

<ul style="list-style-type: none"> • Right to educationq Primary education should be free and compulsory <ul style="list-style-type: none"> ▪ secondary education should be made widely available ▪ higher education should be equally accessible to all persons on basis of merit • The State should adopt a national plan for securing universal, compulsory and free education in the State 	<p>Art. 26(1) UDHR</p> <p>Arts. 13(1) & (2) ICESCR Arts. 28 & 29(1) CRC</p> <p>Art. 14 ICESCR</p>
<p>Rural women to be ensured their right to all types of formal and informal education and training without discrimination, as well as the benefit of all community and extension services, in order to increase their technical proficiency</p> <p>Right to education and training to be ensured without racial discrimination</p>	<p>Art. 14 CEDAW</p> <p>Art. 5(e)(v) CERD</p>
<p>Right to education to be ensured without gender discrimination</p>	<p>Art. 10 CEDAW</p>

Right to health

General

<ul style="list-style-type: none"> • Right to highest attainable standard of physical and mental health 	<p>Art. 12 ICESCR</p>
<ul style="list-style-type: none"> • Right to adequate standard of living for the health and well-being of every person 	<p>Art. 25 UDHR</p>
<ul style="list-style-type: none"> • Freedom from racial [caste] discrimination in access to healthcare or medical services Women and health 	<p>Art. 5(e)(iv) CERD</p>

UN intergovernmental bodies dealing with human rights

(For national human rights institutions see <http://www.nhri.net/national.htm>)

The General Assembly

It is the main deliberative body of the United Nations. Made up of 185 Member States, it reviews and takes action on human rights matters referred to it by its Third Committee and by the Economic and Social Council.

The Economic and Social Council

The council is composed of 54 member governments, makes recommendations to the General Assembly on human rights matters, and reviews reports and resolutions of the Commission on Human Rights and transmits them with amendments to the General Assembly. To assist it in its work, the Council established the Commission on Human Rights, the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice. It also works closely with agencies of the United Nations system which have a special interest in human rights matters.

The Commission on Human Rights

This is the main policy-making body dealing with human rights issues. Composed of 53 member governments, it prepares studies, makes recommendations and drafts international human rights conventions and declarations. It also investigates allegations of human rights violations and handles communications relating to them.

The Commission has established a number of subsidiary bodies, including the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

The sub-commission undertakes studies and makes recommendations to the Commission concerning the prevention of discrimination against racial, religious

and linguistic minorities. Composed of 26 experts, the Sub-Commission meets each year for four weeks. It has set up working groups and established Special Rapporteurs to assist it with certain tasks.

The Commission on the Status of Women

With 32 members, prepares recommendations and reports to the Economic and Social Council on the promotion of women's rights in political, economic, social and educational fields. It makes recommendations to the Council on problems requiring attention in the field of women's rights.

The Commission on Crime Prevention and Criminal Justice

Composed of 40 members, this commission is the main United Nations policy-making body on criminal justice. It develops and monitors the United Nations programme on crime prevention.

To enhance respect for fundamental human rights and to further progress towards their realisation, the United Nations adopted a three-pronged approach:

- Establishment of international standards.
- Protection of human rights.
- United Nations technical assistance.

Protection

Conventional mechanisms (treaty bodies), and extra-conventional mechanisms [United Nations special rapporteurs, representatives, experts and working groups] have been set up in order to monitor compliance with the various international human rights instruments and to investigate alleged human rights abuses.

Under the conventional mechanisms the following treaty bodies, composed of experts serving in their personal capacity, were established to monitor compliance with United Nations human rights instruments: the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC); the Committee against Torture (CAT), the Human Rights Committee (Covenant on Civil and Political Rights) and the Committee on Economic, Social and Cultural Rights (Covenant on Economic, Social and Cultural Rights). These Committees are established under the respective instruments, with members elected by the States parties, with the exception of the Committee on Economic, Social and Cultural Rights, whose membership is elected by ECOSOC.

To monitor the implementation of treaty obligations at the national level, the treaty bodies examine reports of States parties. Each year they engage in dialogue with

approximately 100 national governments and issue concluding observations, commenting on the situations of the countries and offering suggestions and recommendations for improvement. In addition, the Committees are entitled to hear and consider certain individual communications.

Under the extra-conventional mechanisms, a number of procedures have been established to monitor compliance with human rights norms. Thematic procedures include the Representative of the Secretary-General on internally displaced persons; working groups on enforced or involuntary disappearances and on arbitrary detention; and special rapporteurs dealing with extra judicial, summary or arbitrary executions; torture; the independence and impartiality of the judiciary; jurors and assessors and the independence of lawyers; religious intolerance; the use of mercenaries; freedom of opinion and expression; racism, racial discrimination and xenophobia; the sale of children, child prostitution and child pornography; and the elimination of violence against women.

In addition, there exists a procedure, established by the Economic and Social Council in 1970 [the so-called 1503 Procedure], for dealing with communications relating to gross and attested violations of human rights. If considered admissible, communications are reviewed by a Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which decides whether to transfer the communication to the Working Group of the Commission on Human Rights. Communications remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council.

The Centre for Human Rights operates a 24-hour fax 'hot line', for victims of human rights violations, their relatives and non-governmental organisations, to allow them to contact the Centre for Human Rights. It also allows the Centre for Human Rights to react rapidly to human rights emergencies.

Dialogue between States and United Nations bodies has led to concrete results, such as the suspension of executions, release of detainees and medical treatment for prisoners, as well as changes in the domestic legal system of States parties to human rights instruments.

UN human rights advisory services and technical assistance

The United Nations advisory services programme began in 1955 on a small scale, providing institution-building assistance and other services to Member States at their request. In 1987, the Secretary-General established the Voluntary Fund for Advisory Services and Technical Assistance in the field of Human Rights.

Over the last few years, the United Nations Centre for Human Rights and Electoral Assistance Division have received increasing numbers of requests for technical assistance, which is usually offered in the following areas:

Reforming national laws

Incorporation of international human rights norms into national laws and constitutions is a key element in the protection of human rights. Assistance in drafting new constitutions and laws in line with human rights conventions has been provided to, *inter alia*, Bulgaria, Malawi and Mongolia.

Supporting democratisation and advising on electoral procedures

Since democratisation has been a priority issue for advisory services, assistance has been provided to several nations on holding elections and setting up national human rights institutions. The Centre for Human Rights advised several countries, including Romania and Lesotho, on the legal and technical aspects of democratic elections.

Assisting in the drafting of national laws and preparation of national reports

Regional and sub-regional training courses have been held in Africa, Latin America and Asia and the Pacific.

Strengthening national and regional institutions

Assistance has been provided to institutions in various countries to strengthen human rights protection and promotion activities.

Training criminal justice personnel-judges, lawyers, prosecutors and police

Training in the field of human rights includes seminars, courses, workshops, fellowships, scholarships, the provision of information and documentation.

The UN Secretary-General and UN High Commissioner for Human Rights

The Secretary-General can use his 'good offices' confidentially to raise human rights concerns with Member States, including issues such as the release of prisoners and commutation of death sentences. Results of such communications are reported to the Security Council.

The General Assembly established the post of High Commissioner for human rights in December 1993. The High Commissioner carries out the 'good offices' function in the field of human rights on behalf of the Secretary-General and is therefore now the United Nations official with principal responsibility for human rights activities. He is responsible for promoting and protecting human rights for all and maintains a continuing dialogue with Member States. His functions may be summarised as follows:

- Crisis management
- Prevention and early warning
- Assistance to States in periods of transition
- Promotion of substantive rights
- Coordination and rationalisation of the human rights programme

The Centre for Human Rights in Geneva, part of the United Nations Secretariat, in this connection implements the policies proposed by the High Commissioner.

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Resources: Important websites for further information

These resources have been compiled from many sources, the chief among them being from the web. There are many that will be useful, and they are given in the 'online compilations' and 'online manuals' section. Guide to human rights research on the internet, Concise Guide to Human Rights on the Internet, The American Society of International Law and *Access to Human Rights Information on the Internet*; compiled by Bert Verstappen at info@huridocs.org,

Core human rights instruments are from the United Nations' website: <http://www.unhchr.ch/html/intlinst.htm>. The links marked with a star [*] have links to status of ratifications, reservations and declarations. Those marked with two stars [**] have direct link to ILO's ILOLEX database, containing ratification information on International Labour Standards. The ratification information is updated daily.

New Instruments under development

- <http://www.unhchr.ch/html/menu2/2/chrwg.htm#standard>
- Charter of the United Nations : <http://www.unhchr.ch/html/menu3/b/ch-cont.htm>

International Bill of Human Rights

- Universal Declaration of Human Rights: <http://www.unhchr.ch/udhr/index.htm>
- International Covenant on Economic, Social and Cultural Rights * http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
- International Covenant on Civil and Political Rights * http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
- Optional Protocol to the International Covenant on Civil and Political Rights* http://www.unhchr.ch/html/menu3/b/a_opt.htm
- Second Optional Protocol to the International Covenant on Civil and

Political Rights, aiming at the abolition of the death penalty * http://www.unhchr.ch/html/menu3/b/a_opt2.htm

Human Rights Defenders

- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: A/RES/53/144: [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)

Proclamation of Teheran

- Proclamation of Teheran: http://www.unhchr.ch/html/menu3/b/b_tehern.htm

Right of self-determination

- Declaration on the Granting of Independence to Colonial Countries and Peoples : http://www.unhchr.ch/html/menu3/b/c_coloni.htm
- General Assembly Resolution 1803 [XVII] of 14 December 1962, 'Permanent sovereignty over natural resources': http://www.unhchr.ch/html/menu3/b/c_natres.htm

Prevention of discrimination

- United Nations Declaration on the Elimination of All Forms of Racial Discrimination : <http://www.unhchr.ch/html/menu3/b/9.htm>
- International Convention on the Elimination of All Forms of Racial Discrimination* : http://www.unhchr.ch/html/menu3/b/d_icerd.htm
- International Convention on the Suppression and Punishment of the Crime of Apartheid* : <http://www.unhchr.ch/html/menu3/b/11.htm>
- International Convention against Apartheid in Sports * : <http://www.unhchr.ch/html/menu3/b/12.htm>
- Discrimination [Employment and Occupation] Convention ** : http://www.unhchr.ch/html/menu3/b/d_ilo111.htm
- Convention against Discrimination in Education : http://www.unhchr.ch/html/menu3/b/d_c_educ.htm
- Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education : http://www.unhchr.ch/html/menu3/b/d_p_educ.htm
- Equal Remuneration Convention ** : http://www.unhchr.ch/html/menu3/b/d_ilo100.htm

- Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief : http://www.unhchr.ch/html/menu3/b/d_intole.htm
- Declaration on Fundamental Principles concerning the Contribution to the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War : http://www.unhchr.ch/html/menu3/b/d_media.htm
- Declaration on Race and Racial Prejudice : http://www.unhchr.ch/html/menu3/b/d_prejud.htm
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: http://www.unhchr.ch/html/menu3/b/d_minori.htm

Rights of women

- Declaration on the Elimination of All Forms of Discrimination against Women : <http://www.unhchr.ch/html/menu3/b/21.htm>
- Convention on the Elimination of All Forms of Discrimination against Women * : <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>
- Declaration on the Elimination of Violence against Women : [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument)
- Convention on the Political Rights of Women * : <http://www.unhchr.ch/html/menu3/b/22.htm>
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict : <http://www.unhchr.ch/html/menu3/b/24.htm>
- Optional Protocol to the Convention on the Elimination of Discrimination against Women * : http://www.unhchr.ch/html/menu3/b/opt_cedaw.htm

Rights of the child

- Declaration on the Rights of the Child : <http://www.unhchr.ch/html/menu3/b/25.htm>
- Convention on the Rights of the Child * : <http://www.unhchr.ch/html/menu3/b/k2crc.htm>
- Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict * : <http://www.unhchr.ch/html/menu2/6/protocolchild.htm>
- Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography * : <http://www.unhchr.ch/html/menu2/dopchild.htm>
- Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and

Adoption Nationally and Internationally: <http://www.unhchr.ch/html/menu3/b/27.htm>

Slavery, servitude, forced labour and similar institutions and practices

- Slavery Convention* : <http://www.unhchr.ch/html/menu3/b/f2sc.htm>
- Protocol amending the Slavery Convention * : <http://www.unhchr.ch/html/menu3/b/f2psc.htm>
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery * : <http://www.unhchr.ch/html/menu3/b/30.htm>
- Forced Labour Convention ** <http://www.unhchr.ch/html/menu3/b/31.htm>
- Abolition of Forced Labour Convention ** : <http://www.unhchr.ch/html/menu3/b/32.htm>
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*: <http://www.unhchr.ch/html/menu3/b/33.htm>

Human rights in the administration of justice

- Standard Minimum Rules for the Treatment of Prisoners : http://www.unhchr.ch/html/menu3/b/h_comp34.htm
- Basic Principles for the Treatment of Prisoners : http://www.unhchr.ch/html/menu3/b/h_comp35.htm
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment : http://www.unhchr.ch/html/menu3/b/h_comp36.htm
- United Nations Rules for the Protection of Juveniles Deprived of the Liberty http://www.unhchr.ch/html/menu3/b/h_comp37.htm
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment http://www.unhchr.ch/html/menu3/b/h_comp38.htm
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment * http://www.unhchr.ch/html/menu3/b/h_cat39.htm
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment http://www.unhchr.ch/html/menu3/b/h_comp51.htm
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment http://www.unhchr.ch/html/menu3/b/h_comp40.htm

- Safeguards guaranteeing protection of the rights of those facing the death penalty http://www.unhchr.ch/html/menu3/b/h_comp41.htm
- Code of Conduct for Law Enforcement Officials http://www.unhchr.ch/html/menu3/b/h_comp42.htm
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials http://www.unhchr.ch/html/menu3/b/h_comp43.htm
- Basic Principles on the Role of Lawyers http://www.unhchr.ch/html/menu3/b/h_comp44.htm
- Guidelines on the Role of Prosecutors http://www.unhchr.ch/html/menu3/b/h_comp45.htm
- United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) http://www.unhchr.ch/html/menu3/b/h_comp46.htm
- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) http://www.unhchr.ch/html/menu3/b/h_comp47.htm
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules') http://www.unhchr.ch/html/menu3/b/h_comp48.htm
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power http://www.unhchr.ch/html/menu3/b/h_comp49.htm
- Basic Principles on the Independence of the Judiciary http://www.unhchr.ch/html/menu3/b/h_comp50.htm
- Model Treaty on the Transfer of Proceedings in Criminal Matters <http://www.unhchr.ch/html/menu3/b/51.htm>
- Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released <http://www.unhchr.ch/html/menu3/b/52.htm>
- Declaration on the Protection of All Persons from Enforced Disappearances [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.47.133.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.47.133.En?OpenDocument)
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions <http://www.unhchr.ch/html/menu3/b/54.htm>

Freedom of information

- Convention on the International Right of Correction * http://www.unhchr.ch/html/menu3/b/i_ilocor.htm

Freedom of association

- Freedom of Association and Protection of the Right to Organise Convention ** http://www.unhchr.ch/html/menu3/b/j_ilo87.htm
- Right to Organise and Collective Bargaining Convention ** http://www.unhchr.ch/html/menu3/b/j_ilo98.htm

- Workers' Representatives Convention ** http://www.unhchr.ch/html/menu3/b/j_ilo135.htm
- Labour Relations (Public Service) Convention ** http://www.unhchr.ch/html/menu3/b/j_ilo151.htm

Employment

- Employment Policy Convention ** http://www.unhchr.ch/html/menu3/b/k_ilo122.htm
- Convention (No. 154) concerning the Promotion of Collective Bargaining ** http://www.unhchr.ch/html/menu3/b/k_ilo154.htm
- Convention (No. 168) concerning Employment Promotion and Protection against Unemployment** http://www.unhchr.ch/html/menu3/b/k_ilo168.htm
- Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries** <http://www.unhchr.ch/html/menu3/b/62.htm>

Marriage, Family and Youth

- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* <http://www.unhchr.ch/html/menu3/b/63.htm>
- Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages <http://www.unhchr.ch/html/menu3/b/64.htm>
- Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples <http://www.unhchr.ch/html/menu3/b/65.htm>

Social welfare, progress and development

- Declaration on Social Progress and Development http://www.unhchr.ch/html/menu3/b/m_progre.htm
- Declaration on the Rights of Mentally Retarded Persons http://www.unhchr.ch/html/menu3/b/m_mental.htm
- Principles for the protection of persons with mental illness and the improvement of mental health care <http://www.unhchr.ch/html/menu3/b/68.htm>
- Universal Declaration on the Eradication of Hunger and Malnutrition <http://www.unhchr.ch/html/menu3/b/69.htm>
- Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind <http://www.unhchr.ch/html/menu3/b/70.htm>
- Guidelines for the Regulation of Computerized Personal Data Files <http://www.unhchr.ch/html/menu3/b/71.htm>

- Declaration on the Rights of Disabled Persons <http://www.unhchr.ch/html/menu3/b/72.htm>
- Declaration on the Right of Peoples to Peace <http://www.unhchr.ch/html/menu3/b/73.htm>
- Declaration on the Right to Development <http://www.unhchr.ch/html/menu3/b/74.htm>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families * http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm
- Universal Declaration on the Human Genome and Human Rights (UNESCO) <http://www.unesco.org/ibc/uk/genome/index.html>

Right to enjoy culture, international cultural development and co-operation

- Declaration of the Principles of International Cultural Co-operation http://www.unhchr.ch/html/menu3/b/n_decl.htm
- Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms <http://www.unhchr.ch/html/menu3/b/77.htm>

Nationality, statelessness, asylum and refugees

- Convention on the Nationality of Married Women * <http://www.unhchr.ch/html/menu3/b/78.htm>
- Convention on the Reduction of Statelessness * http://www.unhchr.ch/html/menu3/b/o_reduce.htm
- Convention relating to the Status of Stateless Persons * http://www.unhchr.ch/html/menu3/b/o_c_sp.htm
- Convention relating to the Status of Refugees * http://www.unhchr.ch/html/menu3/b/o_c_ref.htm
- Protocol relating to the Status of Refugees * http://www.unhchr.ch/html/menu3/b/o_p_ref.htm
- Statute of the Office of the United Nations High Commissioner for Refugees http://www.unhchr.ch/html/menu3/b/o_unhcr.htm
- Declaration on Territorial Asylum http://www.unhchr.ch/html/menu3/b/o_asylum.htm
- Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live http://www.unhchr.ch/html/menu3/b/o_nonnat.htm

War crimes and crimes against humanity, including genocide

- Convention on the Prevention and Punishment of the Crime of Genocide * http://www.unhchr.ch/html/menu3/b/p_genoci.htm
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity * http://www.unhchr.ch/html/menu3/b/p_limit.htm
- Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity http://www.unhchr.ch/html/menu3/b/p_extrad.htm

Humanitarian law

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field http://www.unhchr.ch/html/menu3/b/q_genev1.htm
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea http://www.unhchr.ch/html/menu3/b/q_genev2.htm
- Geneva Convention relative to the Treatment of Prisoners of War <http://www.unhchr.ch/html/menu3/b/91.htm>
- Geneva Convention relative to the Protection of Civilian Persons in Time of War <http://www.unhchr.ch/html/menu3/b/92.htm>
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) <http://www.unhchr.ch/html/menu3/b/93.htm>
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts [Protocol II] <http://www.unhchr.ch/html/menu3/b/94.htm>

National human rights institutions

- <http://www.nhri.net/national.htm>

Online compilations

- United nations pathfinder on human rights <http://www.un.org/Depts/dhl/pathfind/humanrig/0800.htm>
- Guide to human rights research on the internet: http://www.aclu.org/library/iclr/2000/iclr2000_10.pdf
- Concise Guide to Human Rights on the Internet: <http://www.derechos.org/human-rights/manual.htm>
- Access to Human Rights Information on the Internet; compiled by Bert Verstappen; <http://www.huridocs.org/websites.htm>

- <http://www.hrweb.org/resource.html>
- <http://hrusa.org/hrmaterials/>

Online manuals

- Circle of rights: A Manual on Economic Social and Cultural Rights: <http://www.hrusa.org/hrmaterials/IHRIP/circle/toc.htm>
- Promoting and Defending Economic Social and Cultural Rights – A Handbook: <http://shr.aaas.org/escr/handbook/toc.htm>
- ASIL Electronic Resource Guide Human Rights: <http://www.asil.org/resource/>
- International Service for Human Rights <http://www.ishr.ch>
- Introduction to Human Rights: <http://www.hrweb.org/>
- Australian Human Rights and Equal Opportunity Commission Page on Human Rights: http://www.hreoc.gov.au/human_rights/

General

- 50th Anniversary of the Universal Declaration of Human Rights – <http://www.udhr50.org/>
- Advocacy Project – <http://www.advocacynet.org/>
- American Association for the Advancement of Science (AAAS) Science and Human Rights Programme – <http://shr.aaas.org/>
- American Friends Service Committee (AFSC) – <http://www.afsc.org/>
- Human Rights Education Associates – <http://www.human-rights.net/>
- Canadian Human Rights Foundation / Fondation canadienne pour les droits de la personne – <http://www.chrf.ca/>
- Christian Solidarity International – <http://www.csw.org.uk/>
- Derechos – Human Rights – <http://www.derechos.org/>
- DIANA at the University of Minnesota Human Rights Library – <http://www1.umn.edu/humanrts/>
- DIANA at Yale Law School: Online Human Rights Archive – <http://www.yale.edu/lawweb/avalon/diana/index.html>
- Federation Internationale des Ligues des Droits de l'Homme – <http://www.fidh.org/>
- Forefront: A Global Network of Young Human Rights Advocates – <http://www.forefrontleaders.org/>
- Freedom Forum – <http://www.freedomforum.org/>
- Freedom House – <http://www.freedomhouse.org/>
- Global Lawyers and Physicians (GLP): Working Together for Human Rights – <http://www.glphr.org/>
- Global Youth Connect – <http://www.globalyouthconnect.org/>
- Human Rights Action (HRA) – <http://www.hr-action.org/>
- Human Rights Campaign (HRC) – <http://www.hrc.org/>

- Human Rights Information and Documentation Systems, International (HURIDOCs) – <http://www.huridocs.org/>
- Human Rights International Alliance (HRIA) – <http://hria.net/>
- Human Rights Internet (HRI) – <http://www.hri.ca/>
- Human Rights Web – <http://www.hrweb.org/>
- Humanist Committee on Human Rights – <http://home01.wxs.nl/~loz/>
- Rights & Democracy – International Centre for Human Rights and Democratic Development (ICHRDD) – <http://www.ichrdd.ca/>
- International Human Rights Association / Human Rights Server – <http://www.humanrights.de/>
- International Monitor Institute (IMI) – <http://www.imisite.org/>
- International Society for Human Rights – <http://www.ishr.org/>
- Pax Romana – Mouvement International des Intellectuels Catholiques – <http://www.pax-romana.org/>
- Physicians for Human Rights, USA (PHR) – <http://www.phrusa.org/>
- Rights International – <http://www.rightsinternational.org/>
- Simon Wiesenthal Centre – <http://www.wiesenthal.com/>
- World Council of Churches – <http://www.wcc-coe.org/>
- Worldview Rights – <http://www.worldviewrights.com/>
- Worldviews – <http://www.igc.org/worldviews/>

Against Racism

- International Movement Against All Forms of Discrimination and Racism – <http://www.imadr.org/>
- Ligue internationale contre le racisme et l'antisemitisme – <http://www.licra.ch/>
- United for Intercultural Action – <http://www.united.non-profit.nl/>

Against Torture

- Action des chrétiens pour l'abolition de la torture (ACAT) – <http://home.worldnet.fr/~acatfr/>
- Association for the Prevention of Torture (APT) – <http://www.apr.ch/>
- Centre for Victims of Torture (CVT) – <http://www.cvt.org/>
- Christians Against Torture – <http://uwcmmlls.uwcm.ac.uk/uwcm/pr/cat/>
- International Rehabilitation Council for Torture Victims (IRCT) – <http://www.irct.org/>
- Organisation Mondiale Contre la Torture / S.O.S. Torture (OMCT) – <http://www.omct.org/>
- Redress Trust: Seeking Compensation for Torture Victims – <http://www.redress.org/>

Children's Rights

- Casa Alianza – <http://www.casa-alianza.org/EN/index.shtml>
- Child Rights Information Network – <http://www.crin.org/>
- Children and Armed Conflict Unit, University of Essex – <http://www2.essex.ac.uk/c&acu/>
- Children's House in Cyberspace – <http://www.childwatch.uio.no/>
- Children's Legal Centre, University of Essex – <http://www2.essex.ac.uk/clc/>
- Coalition to Stop the Use of Child Soldiers – <http://www.child-soldiers.org/>
- Defence for Children International – <http://www.defenceforchildren.nl/>
- End Child Prostitution in Asian Tourism (ECPAT) – <http://www.ecpat.net/>
- International Bureau for Children's Rights – <http://www.web.net/tribunal/>
- Save the Children, Sweden – <http://www.rb.se/>
- War Child – <http://www.warchild.org/>
- Concerned for Working Children – <http://www.workingchild.org/>
- Global March Against Child Labour – <http://globalmarch.org/>
- I*EARN Fight Against Child Labour and Exploitation – <http://www.iearn.org.au/clp/>
- Concerned for Working Children – <http://www.workingchild.org/>

Civil and Political Rights

- Amnesty International – <http://www.amnesty.org/>
- Comité contre l'esclavage moderne – <http://www.ccem-antislavery.org/>
- Committee of Concerned Scientists (CCS) – <http://www.libertynet.org/ccs/>
- CyberSpace Graveyard for Disappeared Persons (CGDP) – <http://www.disappearances.org/>
- Death Penalty Information Centre – <http://www.deathpenaltyinfo.org/>
- Hands off Cain – <http://www.handsoffcain.org/>
- Human Rights Watch (HRW) – <http://www.hrw.org/>
- Project Disappeared – <http://www.desaparecidos.org/>
- Queens University of Belfast (QUB) – <http://www.law.qub.ac.uk/>
- Statewatch – <http://www.statewatch.org/>

Conflict Resolution

- Centre for the Study of Violence and Reconciliation (CSVr) – <http://www.wits.ac.za/csvr/>
- Community Against Violence (CAVNET) – <http://www.asksam.com/cavnet/>
- Initiative on Conflict Resolution and Ethnicity (INCORE) – <http://www.incore.ulst.ac.uk/>
- International Alert – <http://www.international-alert.org/>
- International Crisis Group – <http://www.crisisweb.org/>

Disabled Persons

- Council for Disability Rights – <http://www.disabilityrights.org/>
- Disability Rights Advocates – <http://www.dralegal.org/>

Economic, Social and Cultural Rights

- American Association for the Advancement of Science (AAAS) Science and Human Rights Programme and HURIDOCS – Project on monitoring economic, social and cultural rights – <http://shr.aaas.org/escr/>
- ATD Fourth World Movement – <http://www.atd-quartmonde.org/>
- Bank Information Centre – <http://www.bicusa.org/>
- Centre for Economic and Social Rights (CESR) – <http://www.cesr.org/>
- Centre on Housing Rights and Evictions (COHRE) – <http://www.cohre.org/>
- Commonwealth Medical Association – <http://www.commat.org/>
- EarthRights International – <http://www.huridocs.org/websites.htm>
- FoodFirst Information and Action Network (FIAN) – <http://www.fian.org/>
- HungerWeb – http://www.brown.edu/Departments/World_Hunger_Programme/
- Institute for Food and Development Policy (Food First) – <http://www.foodfirst.org/>
- International Anti-Poverty Law Centre – <http://www.iaplc.org/>
- RESULTS: Ending hunger and poverty – <http://action.org/>
- Social Alert – <http://www.socialalert.org/>
- Social Watch – <http://www.socwatch.org.uy/>

Freedom of Expression

- Article 19 – <http://www.article19.org/>
- International Freedom of Expression Exchange Clearing House; Committee to Protect Journalists (IFEX) – <http://www.ifex.org/>
- PEN–Freedom to Write (PEN) – <http://pen.org/>
- Reporters Committee for Freedom of the Press – <http://www.rcfp.org/rcfp/>
- Feminists for Free Expression – <http://www.well.com/user/freedom/>

Gay and Lesbian Rights

- Equality for Gays and Lesbians Everywhere (EGALE) – <http://www.egale.ca/>
- International Gay and Lesbian Human Rights Commission (IGLHRC) – <http://www.iglhrc.org/>

Health and Human Rights

- Consortium for Health and Human Rights – <http://www.healthandhumanrights.org/>
- HealthWrights – <http://www.healthwrights.org/>
- International Society for Health and Human Rights – <http://www.ishhr.org/>
- International Student Association for Health and Human Rights – <http://www.sph.emory.edu/student/isahhr/isahhr.htm>

Health

- <http://www.udayton.edu/~health/07HumanRights/health.htm>
- <http://www.who.int/archives/who50/en/human.htm>
- Health and Human Rights Database, Global Lawyers and Physicians: <http://www.glphr.org/database.htm>

Housing

<http://www.unhchr.ch/html/menu6/2/fs21.htm>

Human Rights Education

- Centre de Conseils et d'Appuis pour les Jeunes en Matiere de Droits de l'Homme / Youth Resource Centre on Human Rights – <http://www.codap.org/>
- Education International – <http://www.ei-ie.org/>
- Human Rights Awareness – <http://www.geocities.com/~hra/>
- Human Rights Education Associates – <http://www.hrea.org/>
- International Organisation for the Development of Freedom of Education – <http://www.oidel.ch/>
- Peoples' Decade for Human Rights Education – <http://www.pdhre.org/>

Indigenous Peoples

- Centre for World Indigenous Studies – Fourth World Documentation Project – <http://www.halcyon.com/FWDP/fwdp>
- Cultural Survival – <http://www.cs.org/>
- Documentation Centre for Indigenous Peoples (DOCIP) – <http://www.docip.org/>
- Global Survival Network – <http://www.globalsurvival.net/>
- International Work Group for Indigenous Affairs – <http://www.iwgia.org/>
- Society for Threatened Peoples (GfbVs) – <http://www.gfbv.de/>
- Survival International – <http://www.survival.org.uk/>
- Unrepresented Nations and Peoples Organisation (UNPO) – <http://www.unpo.org/>

- United Nations pages: <http://www.unhchr.ch/html/menu6/2/fs9.htm>;
<http://www.unhchr.ch/indigenous/main.html>

Justice and International Law

- Alliance for Justice – <http://www.afj.org/>
- Campaign for Equity–Restorative Justice (CERJ) – <http://www.cerj.org/>
- Centre for Human Rights and Constitutional Law – <http://www.centerforhumanrights.org/>
- Centre for Law & Global Justice – <http://www.usfca.edu/law/globaljustice/>
- Centre for Citizenship and Human Rights, Deakin University – <http://arts.deakin.edu.au/cchr/>
- Coalition for International Justice (CIJ) – <http://www.cij.org/>
- Constitutional Rights Foundation – <http://crf-usa.org/>
- Equal Rights Advocates – <http://www.equalrights.org/>
- International Commission of Jurists (ICJ) – <http://www.icj.org/>
- Justice Action – <http://www.justiceaction.org.au/>
- Lawyers Committee for Civil Rights under Law – <http://www.lawyerscomm.org/>
- Lawyers Committee for Human Rights (LCHR) – <http://www.lchr.org/>
- NGO Coalition for the International Criminal Court – <http://www.igc.org/icc/>
- Public Interest Law Initiative – <http://www.pili.org/>
- Social Justice Secretariat; Society of Jesus – <http://www.sjweb.org/sjs/>
- War Criminal Watch (WCW) – <http://www.wcw.org/>

Labour and Trade Union Rights

- Campaign for Labor Rights – <http://www.summersault.com/~agj/clr/>
- Concerned for Working Children – <http://www.workingchild.org/>
- Global March Against Child Labour – <http://globalmarch.org/>
- I*EARN Fight Against Child Labour and Exploitation – <http://www.iearn.org.au/clp/>
- International Confederation of Free Trade Unions – <http://www.icftu.org/>
- International Labor Rights Fund (ILRF) – <http://www.laborrights.org/>

Legal Aid

- Attorneys without Borders – <http://www.asf.be/>
- International Centre for the Legal Protection of Human Rights (Interights) – <http://www.interights.org/>

Media and Human Rights

- Committee to Protect Journalists (CPJ) – <http://www.cpj.org/>
- Fairness and Accuracy In Media (FAIR) – <http://www.fair.org/>

- Freedom of Expression Institute (FXI) – <http://fxi.org.za/>
- Independent Journalism Centre (IJC) – <http://www.derechos.net/ijc/>
- Index on Censorship/Institute for Journalism In Transition – http://www.oneworld.org/index_oc/
- International Federation of Journalists (IFJ) – <http://www.ifj.org/>
- International Press Institute – <http://www.freemedia.at/>
- Reporters Sans Frontieres – <http://www.rsf.fr/>

Minority Rights

- Anti-Slavery International – <http://www.charitynet.org/~asi/>
- Minority Rights Group (MRG) – <http://www.minorityrights.org/>

Modern Communication Technologies and Human Rights

- Centre for Democracy and Technology – <http://www.cdt.org/>
- Centre for Communication & Human Rights – <http://www.waag.org/pcc/>
- Computer Professionals for Social Responsibility – <http://www.cpsr.org/>
- Cyber-Rights and Cyber-Liberties – <http://www.cyber-rights.org/>
- Digital Freedom Network – <http://www.dfn.org/>
- Electronic Frontier Foundation (EFF) – <http://www.eff.org/>
- Electronic Privacy Information Centre – <http://www.epic.org/>
- Global Internet Liberty Campaign – <http://www.gilc.org/>
- Global Internet Policy Initiative project – <http://www.gipiproject.org/>
- Internet Privacy Coalition – <http://www.privacy.org/ipc/>
- Privacy International (PI) – <http://www.privacy.org/pi/>
- Privacy Rights Clearing House (PRC) – <http://www.privacyrights.org/>
- Witness – <http://www.witness.org/>

Peace

- Peace Brigades International – <http://www.peacebrigades.org/>
- Servicio Internacional para la Paz / International Service for Peace (SIPAZ) – <http://www.nonviolence.org/sipaz/>
- Witness for Peace – <http://www.witnessforpeace.org/>

Prisons

- Penal Reform International – <http://www.penalreform.org/>
- Stop Prisoner Rape (SPR) – <http://www.spr.org/>

Refugees

- Centre for Refugee Studies; York University (CRS) – <http://www.yorku.ca/crs/>
- Refugee Council – <http://www.gn.apc.org/brcslproject/>
- Refugees International (RI) – <http://www.refintl.org/cgi-bin/ri/index>

Regional – Africa

- Africa Fund – <http://africafund.prairienet.org/>
- Africa Legal Aid – <http://www.afla.unimaas.nl/>
- African Centre for Democracy and Human Rights Studies – <http://ace.acadiau.ca/polisci/conley/ACDHRS>
- Inter-African Network for Human Rights and Development (AFRONET) – <http://afronet.org.za/>
- Réseau Documentaire International sur la Région des Grands Lacs Africains – <http://www.grandslacs.net/index.html>

Regional – Americas

- Central American Refugee Centre (CARECEN-N.Y.) – <http://www.icomm.ca/carecen/>
- Inter-American Institute of Human Rights / – <http://www.iidh.ed.cr/>
- Inter-American Forum on Human Rights (FIDEH) – <http://www.udayton.edu/~fideh/>
- Inter-Church Committee on Human Rights in Latin America – <http://www.web.net/~icchrla/>
- Washington Office on Latin America (WOLA) – <http://www.wola.org/>

Regional – Asia

- Asian Human Rights Commission (AHRC) – <http://www.ahrchk.net/>
- Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict – <http://www.law.murdoch.edu.au/apchr/>
- Child Workers in Asia – <http://www.cwa.tnet.co.th/>

Regional – Middle East

- Arab Association for Human Rights – <http://www.arabhra.org/>
- Arab Commission for Human Rights – <http://www.come.to/achr>
- Le Maghreb des Droits de l'Homme – <http://www.maghreb-ddh.sgdg.org/>

Religious Freedom

- Anti-Defamation League of B'nai B'rith (ADL) – <http://www.adl.org/>
- International Association for Religious Freedom – <http://www.iarf-religiousfreedom.net/>

- International Coalition for Religious Freedom (ICRF) – <http://www.religiousfreedom.com/>

Research Institutes

- Centre for the Study of Human Rights at Columbia University – <http://www.columbia.edu/cu/humanrights/>
- Human Rights Library; University of Minnesota – <http://www1.umn.edu/humanrts/>
- Human Rights Research and Education Centre; University of Ottawa – <http://www.uottawa.ca/hrrec>
- Netherlands Institute of Human Rights (SIM) – <http://www.law.uu.nl/english/sim/>
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law – <http://www.rwi.lu.se/>

Transnational Corporations and Human Rights

- Bank Information Centre – <http://www.bicusa.org/>
- Corporate Watch (CW) – <http://www.corpwatch.org/>
- Project Underground – <http://www.moles.org/>

Women's Human Rights

- Bora Laskin Law Library; University of Toronto – <http://www.law-lib.utoronto.ca/>
- Captive Daughters – <http://www.captive.org/>
- Centre for Reproductive Law and Policy – <http://www.crlp.org/>
- Centre for Women's Global Leadership – <http://www.rci.rutgers.edu/~cwgl/>
- Coalition Against Trafficking in Women – <http://www.catwinternational.org/>
- Equality Now – <http://www.equalitynow.org/>
- Feminists for Free Expression – <http://www.well.com/user/freedom/>
- Global Alliance Against Traffic in Women (GAATW) – <http://www.inet.co.th/org/gaatw/>
- Global Fund for Women (GFW) – <http://www.igc.org/gfw/>
- Human Rights Watch <http://www.hrw.org/women/legal.html>
- International Women's Rights Action Watch – <http://www.igc.apc.org/iwraw/>
- International Women's Rights Project – <http://www.yorku.ca/iwrp/>
- Isis International – <http://www.isiswomen.org/>
- Q Web Sweden – A Women's Empowerment Base – <http://www.qweb.kvinnoforum.se/>
- Rainbo – <http://www.rainbo.org/>
- Sisterhood Is Global Institute – <http://www.sigi.org/>

- Terre des Femmes – <http://www.terre-des-femmes.de/>
- Virtual Sisterhood – <http://www.rrrt.org.fj/internat/extenal/unwr/womrigts/vsister1.htm>
- Women, Law and Development International (WLD) – <http://www.wld.org/>
- Women's Human Rights NET – <http://www.oneworld.org/whrnet/>
- Women's World Summit Foundation – <http://www.woman.ch/>

- 1 Michael Dodson, Commissioner, Aboriginal and Torres Strait Islander Social Justice Commission, quoted in the Human Rights Council of Australia, INC. *The Rights way to Development: A Human Rights Approach to Development Assistance*, 1995, p. 1
- 2 ActionAid Bangladesh, *Taking a Stand*, Dhaka, November 2000, Forward.
- 3 Michael Dodson, Op.cit, p. 30
- 4 Ibid, p. 38.
- 5 Morton E. Winston, *On the Individuality and Independence of Human Rights*, 1999 [Monograph].
- 6 Jacques Maritain quoted in Maurice Cranston, *What are Human Rights*, London, The Bodley Head, 1973, p.7.
- 7 For instance, the United States Senate has acknowledged that the Haudenosaunee [called Iroquois by the Europeans] political system influenced the confederation of the original 13 colonies and many of their democratic principles were incorporated into the Constitution of the United States (U.S.S.Con. Res. 76, 2 December 1987). The U.S. Constitution was, in turn, a model for the Charter of the United Nations. Thus, it can also be said that Haudenosaunee law is the basis of modern international law.
- 8 Elaborated in International Human Rights Internship Programme, *Ripple in Still Water*, 1997 and International Human Rights Internship Programme and Asian Forum for Human Rights and Development, *Circle of Rights: Economic, Social & Cultural Rights Activism: A training Resource*, 2000.
- 9 From International Human Rights Internship Programme, *Ripple in Still Water*, 1997, examples from Provea, *Health as a Right*.
- 10 For more detail and more specific examples and cases, refer to modules 9 and 25 of *Circle of Rights*, and the Economic Globalisation Today A Resource Book.
- 11 Sia Spiliopoulou Akermark, International Development Finance Institutions : The World Bank and The International Monetary Fund, in Asbjorn Eide et al, *Economic, Social and Cultural Rights. A Textbook*, 2nd Edition, Dordrecht, Martinus Nijhoff Publishers, 2001, p. 526.

- 12 Ibid, p.529.
- 13 The Human Rights Council of Australia Inc, *The Rights Way to Development: A Human Rights Approach to Development Assistance*, NSW, 1995 p. 26.
- 14 Op. cit. p. 120.
- 15 Ibid.
- 16 Mette Kjaer and Klavs Kinnerup, *Good Governance: How Does It Relate to Human Rights?* In Hans-Otto Sano and Gudmundur Alfredsson [eds.], *Human Rights and Good Governance, Building Bridges*, The Hague, Martinus Nishoff Publishers, 2002, p.10–11, 15.
- 17 Ibid,p.15.
- 18 Ibid.
- 19 Ida Elisabeth Koch, *Good Governance and the Implementation of Economic, Social and Cultural Rights*, in Hans-Otto Sano and Gudmundur Alfredsson, Op.cit, p. 75.
- 20 Op. cit, p. 86.
- 21 Further reading: World Bank *PovertyNet: Guide to poverty alleviation organizations and resources across the Web*: <http://www.worldbank.org/poverty/library/webguide/>
- 22 Aide à Toute Détresse—ATD, Help for All Distress—Fourth World.
- 23 E/C.12/2001/10; [http://www.unhchr.ch/tbs/doc.nsf/\[Symbol\]/E.C.12.2001.10](http://www.unhchr.ch/tbs/doc.nsf/[Symbol]/E.C.12.2001.10).
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- 25 Is it fanciful? The toxic waste of the Northern countries is routinely exported to poor African countries, whose poor citizens have to do the actual physical waste management functions.
- 26 Alf Morten Jerve, *Social Consequences of Development in Human Rights Perspective: Lessons from the World Bank*, in Hugo Stokke and Arne Tostensen [eds.], *Human Rights in Development Year Book 1998*, The Hague, Kluwer Law International and Nordic Human Rights Publications, 1999, p. 39.
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- 28 *Globalisation, Equity, and Faith*, J D Wolfensohn President, World Bank Group at the Conference on Humanizing the Global Economy, January 28, 2002.
- 29 *Human Development Report 2000*.
- 30 UNHCHR Mary Robinson, opening statement to the General Assembly Special Session on Social Development, Geneva, June 2000.
- 31 From the presentation of Professor Morton Winston.

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EVERYONE HAS A RIGHT TO LIFE



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A Human Rights Approach to Development Resource Book

The link between poverty and the enjoyment of human rights is very clear and strong. The poor are denied almost all their human rights – the right to adequate housing, primary health care, education and food – not to mention the normal benefits of citizenship – fair legal treatment and access to justice, participation in the decisions that affect the poor, access to information and technology, declares Mary Robinson, UN High Commissioner for Human Rights.

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